

EXHIBIT I

DEPOSITION OF GEORGE HARDY

In The Matter Of:
GEORGE W. HARDY v.
GEORGIA DEPARTMENT OF CORRECTIONS

GEORGE W. HARDY
March 9, 2020

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Augusta, GA 30909

Original File 030920hardy.txt

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

GEORGE W. HARDY,)
)
Plaintiff,)
)
vs.)
)
GEORGIA DEPARTMENT OF)
CORRECTIONS; STAN SHEPARD,)
in his Individual and Official) Civil Action No.:
Capacity as Warden of Augusta)
State Medical Prison;) 1:17-CV-00172-JRH-BKE
KIMBERLY FOUNTAIN, MD,)
Individually and in her)
Official Capacity;)
SHONTE WELLS, RN, Individually) and in her Official Capacity;)
ELIZABETH WEST, CNA,)
Individually and in her)
Official Capacity;)
TIMOTHY YOUNG, MD,)
Individually and in his)
Official Capacity;)
LINDA GIDDENS, RN,)
Individually and in her)
Official Capacity; BETTY LEE)
MCGREW, Individually and in)
her Official Capacity; and)
THE BOARD OF REGENTS OF THE)
UNIVERSITY SYSTEM OF GEORGIA;)
)
Defendants.)
_____)

DEPOSITION OF
GEORGE W. HARDY

March 9, 2020
11:12 a.m.

Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

Andrew Ryan Estroff, CVR, CCR

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INDEX TO DEPOSITION

	Page
Cross-Examination by Mr. Peters.....	4
Cross-Examination by Mr. Fisher.....	50
Cross-Examination by Ms. McGovern.....	73
Direct Examination by Mr. Wilson.....	89
Recross-Examination by Mr. Fisher.....	94
Redirect Examination by Mr. Wilson.....	98
Certificate of Court Reporter.....	102

- - - - -

EXHIBIT INDEX.

Defendant's No.:	Page
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[No Exhibits Offered]

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P R O C E E D I N G S

MR. PETERS: This will be the deposition of George Hardy taken in George W. Hardy vs. Georgia Department of Corrections, et al., Case No.: 1:17:CV:172 in the United States District Court for the Southern District of Georgia, Augusta Division. This deposition is being taken pursuant to notice for the purposes of discovery, use at trial, and all other purposes allowed under the Federal Rules of Civil Procedure. We are taking this deposition at Augusta State Medical Prison, present are Peter Fisher; Annarita McGovern; Edwin Wilson; Andrew Estroff, the stenographer; and myself. Please, swear in the witness.

[Witness is duly sworn by the court reporter.]

- - - - -

George W. Hardy,
Having Been First Duly Sworn, was Examined
and Testifies as Follows:

CROSS-EXAMINATION

BY MR. PETERS:

Q As I said, Mr. Hardy, my name is Will Peters, I'm an Assistant Attorney General at the Georgia Department of Law. I represent the

1 Department of Corrections, the Board of Regents, and
2 the Defendants, Kimberly Fountain, Linda Giddens,
3 Betty Lee McGrew, Stan Shepard, Shonte Wells, and
4 Elizabeth West. Have you ever been deposed before?

5 A Deposed?

6 Q Have you ever done a deposition?

7 A No, sir.

8 Q So I'm going to ask you questions about
9 your claims in this case, that's all a deposition
10 is. If you do not understand a question, I'll try
11 to repeat the question or change it so that you
12 understand it. If you answer the question, I will
13 assume that you understood it. Please, answer
14 questions with a yes or a no rather than shaking or
15 nodding your head. The court reporter has to write
16 down what we say, I have that habit too, so it has
17 to be clear --

18 A Yes, sir.

19 Q -- what we're saying. Please, wait for me
20 to finish my question before you begin your answer,
21 I'll do the same. If you need a break, let me or
22 your attorney know, but if there's a question
23 pending before the break, please, answer the
24 question before we take the break. You have the
25 opportunity to review the transcript for errors and

1 sign it and return the transcript to the court
2 reporter. Would you like to read and sign the
3 deposition transcript?

4 MR. WILSON: That basically means that you
5 get an opportunity to look over it to make sure
6 that there's nothing left out, there aren't any
7 errors or any misspellings or anything like
8 that. Well, we'll reserve the right to read
9 and sign until the end, we can discuss that at
10 the end.

11 MR. PETERS: We can make arrangements to
12 have the transcript sent to you.

13 MR. WILSON: Yes, that'll be fine.

14 Q (By Mr. Fisher) Okay. Please, state your
15 full name.

16 A George Washington Hardy, III.

17 Q And what is your GDC ID?

18 A 542758.

19 Q And Mr. Hardy, tell me about your family,
20 are you married?

21 A No, sir.

22 Q Have you ever been married?

23 A No, sir.

24 Q Do you have any children?

25 A Yes.

1 Q How many?

2 A I got two kids.

3 Q How old are they?

4 A Twenty-eight and thirty.

5 Q And how far did you go in school?

6 A To the ninth grade, I finished the ninth
7 grade.

8 Q And where was that at?

9 A I went to two different schools, I went to
10 Spalding High School -- I went to Griffin High
11 School in Spalding County, and I went to Herring
12 County High School in McDonough, Georgia.

13 Q And have you gotten your GED?

14 A Yes, I have.

15 Q And was that while you were in the
16 Department of Corrections?

17 A Yes, sir.

18 Q And where are you from, Mr. Hardy?

19 A I'm from Herring County, McDonough,
20 Georgia.

21 Q And did you live there your whole life?

22 A Yes, sir.

23 Q Okay. Do you have any physical or mental
24 problems that would affect your ability to honestly
25 respond to questions today?

1 A No, sir.

2 Q Are you taking any medications that would
3 affect your ability to tell the truth or understand
4 my questions?

5 A No, sir.

6 Q And you have taken an oath administered by
7 the court reporter, even though we're not in a
8 courtroom today, you understand that that oath has
9 the same affect as one administered in court?

10 A Yes, sir.

11 Q Have you ever been involved in another
12 lawsuit besides this one?

13 A No, not in prison, but I was in like a car
14 accident one time, and I sued their insurance.

15 Q And was that in state or federal court?

16 A That was in state, I guess.

17 Q Were you the plaintiff or the defendant?

18 A I was the plaintiff.

19 Q You were the one suing?

20 A Yes, sir.

21 Q And what was the result of that case?

22 A We got like a settlement, we settled out.

23 Q Do you know how much the settlement was
24 for?

25 A No, sir, I don't, because the money was

1 given to my mother.

2 Q Okay. Have you been involved in any other
3 lawsuits besides the car accident?

4 A No, sir.

5 Q Have you ever been a witness in a lawsuit?

6 A No, sir.

7 Q Have you filed any other lawsuits while
8 incarcerated that deal with the same facts as this
9 case?

10 A No, sir.

11 Q What criminal conviction led to your
12 current prison sentence?

13 A Armed robbery.

14 Q And that is a felony conviction?

15 A Kidnapping.

16 Q Was the armed robbery a felony conviction?

17 A Yes, sir.

18 Q And was the kidnapping a felony
19 conviction?

20 A Yes, sir.

21 Q What were the sentences for each of those
22 convictions?

23 A Life.

24 Q Okay. Any other criminal convictions?

25 A Aggravated assault, kidnapping with bodily

1 injury.

2 Q Were those separate cases from the armed
3 robbery and kidnapping that we spoke about?

4 A All these charges arose from one case.

5 Q Okay. What was the sentence on those
6 other charges?

7 A 20, 20, 20.

8 Q Running concurrent with the life sentence?

9 A Yes, sir.

10 Q Any other criminal convictions besides
11 those?

12 A I have assault on -- well, obstruction of
13 a law enforcement official.

14 Q Okay. And is that a felony conviction?

15 A No, sir, it was a misdemeanor.

16 Q And what was the sentence?

17 A Five years running concurrent with my
18 sentence.

19 Q Okay. Any other criminal convictions?

20 A No, sir.

21 Q And where are you currently incarcerated?

22 A Here at Augusta State Medical Prison.

23 Q What is your security classification?

24 A Close.

25 Q Why do you have that security

1 classification?

2 A Well, they -- normally they would do a
3 security review to lower, like manually lower, but
4 now they do it by computers, and I guess by me
5 coming from the institution that I been at, you
6 know, my security hadn't dropped yet. I came from
7 Hays State Prison, and I think everybody know -- it
8 hasn't dropped yet, my security hasn't dropped yet.

9 Q Have you received any disciplinary reports
10 that have affected your security classification?

11 A I've received some, but they haven't
12 affected my security classification that I know of.

13 Q Okay. And what disciplinary reports have
14 you received?

15 A Possession of a weapon.

16 Q All right. And when was that?

17 A It was like last year or something.

18 Q Any other disciplinary reports?

19 A Possession of prohibited item, you know,
20 stuff like that.

21 Q Okay. Any other disciplinary reports?

22 A You know, they go like a 12-month period
23 of time, I been -- they go like a 12-month period of
24 time with the disciplinary reports, after 12-months,
25 it's no longer there, unless -- I been here a long

1 time, so I was -- you know, actually be here all day
2 telling you my disciplinary charges. Those are
3 these most recent ones that I just gave you, those
4 are the most recent ones, the most serious ones.

5 Q Have you ever received a disciplinary
6 report for being aggressive with medical staff?

7 A Yes.

8 Q How many have you received for that?

9 A A couple. Well, to be exact, I wouldn't
10 want to tell you that it was five or six and not be
11 exact, I wouldn't want to tell you that. It's been
12 like over the years.

13 Q Okay. So your estimate is five or six
14 disciplinary reports?

15 A No, sir, I'm not estimating.

16 Q Okay.

17 A I'm not estimating, I'm just saying if you
18 gave me a chance to go back and view my disciplinary
19 file, I could come and give you an accurate answer,
20 but I can't sit here -- I won't sit here and say
21 that it's 10 or 20.

22 Q And where were you incarcerated when you
23 received those disciplinary reports for being
24 aggressive to medical staff?

25 A Where, Hancock, you know, place -- those

1 are the two that I can remember. Where, Hancock,
2 Augusta, that's it.

3 Q So to clarify, have you received a
4 disciplinary report of that nature while at ASMP?

5 A Yes, I have had a disciplinary report for
6 insubordination, being insubordinate towards staff
7 and -- you know.

8 Q While at ASMP?

9 A Yes, sir.

10 Q What about GDCP, have you received any of
11 those types of disciplinary reports at GDCP?

12 A You mean for like cursing or
13 insubordination, you know, cursing at --

14 Q Medical staff, yes.

15 A Yes.

16 Q Okay. So I believe you've mentioned
17 Hancock State Prison, Augusta State Medical Prison,
18 and Georgia Diagnostic and Classification Prison as
19 prisons where you have received disciplinary reports
20 for being aggressive towards medical staff, any
21 other prison facilities where you have received
22 reports like that?

23 A No.

24 Q Okay. In preparation for your deposition
25 today, did you review any documents?

1 A Yes.

2 Q What specifically did you look at?

3 A Basically just my complaint, I looked at
4 my complaint, I looked at my second amended
5 complaint, I looked over that, and just -- you know,
6 just briefly over most of it.

7 Q Any other documents that you looked at in
8 preparation for the deposition?

9 A Today? Not today, not this morning.

10 Q No, at any time ever in preparation for
11 the deposition, have you looked at any other
12 documents?

13 A My notice of deposition.

14 Q Have you reviewed any medical records in
15 preparation for your deposition?

16 A No, sir, I have not.

17 Q Do you have any documents with you today?

18 A Yes, sir.

19 Q What do you have with you?

20 A I have copies of my complaints, the
21 orders, different stuff that I figured I maybe
22 needed, because I'd never been to a deposition, I
23 figured y'all would need some of it.

24 Q Do you have any medical records with you
25 today?

1 A Not my medical records, just orders and
2 complaints.

3 Q Do you have any notes or anything like
4 that that you've prepared for your deposition?

5 A No, sir, not written.

6 Q Have you ever discussed this case with
7 anyone other than your attorney?

8 A No, sir.

9 Q So next, let's talk about the individual
10 defendants in this case starting with Kimberly
11 Fountain. Who is Kimberly Fountain?

12 A That was Dr. Fountain, she's a female that
13 worked at 2A, she was a doctor over the unit that I
14 was on.

15 Q Where at?

16 A Here at Augusta State Medical Prison.

17 Q And why are you suing her?

18 A Because I feel that she was very negligent
19 in the care of my care [sic]. I was -- I had a
20 problem that started, and I felt like it could have
21 been fixed or helped, and it wasn't; and as a
22 result, I lost my whole leg.

23 Q So specifically, what do you contend that
24 she did or did not do that was negligent in this
25 case?

1 A I kept telling her my foot was hurting,
2 and it swelled up and turned -- I kept trying to get
3 her to give me some help for my foot, it kept
4 hurting. I got a history with clots, you know, and
5 living right there on that unit with that same
6 doctor, and nothing was done, and the clot
7 progressed, I guess, according to medical, and it
8 turned infected and the infection turned to
9 gangrene, and the gangrene was spread all down my
10 leg.

11 Q We'll talk in more detail about your
12 claims against Dr. Fountain. Next, Linda Giddens,
13 who is Linda Giddens?

14 A She was a nurse, Ms. Giddens, on 2A on the
15 same unit.

16 Q At Augusta State Medical Prison?

17 A Yes.

18 Q And why are you suing her?

19 A She was under the instruction of these
20 doctors, I guess, you know what I'm saying, do not
21 do whatever, you know, and she -- I'm suing her
22 because she saw me too, she saw me in that shape
23 too, and nothing was done.

24 Q And specifically, what do you contend that
25 she did or did not do in this case?

1 A She did not offer me any medical treatment
2 when she saw the condition that my leg and my foot
3 was in.

4 Q And the next, who is Betty Lee McGrew?

5 A She was the Warden of Security here.

6 Q And was McGrew involved in your medical
7 treatment?

8 A No, sir.

9 Q What do you contend that McGrew did or did
10 not do that violated your rights in this case?

11 A She did not try to get the people -- I
12 showed her my leg and my foot when she came through
13 for inspection, you know they walk through for
14 inspection every day, when I been over here for like
15 over 20 years, and I -- she saw me, she saw my foot
16 and my leg, and nothing happened, she did nothing,
17 she did nothing to help me, she never instructed
18 nobody to help me.

19 Q And next is Stan Shepard. Who is Stan
20 Shepard?

21 A He was the Warden here.

22 Q And was Shepard involved in your medical
23 treatment?

24 A No, sir.

25 Q And what do you contend that Shepard did

1 or did not do that violated your rights in this
2 case?

3 A He told me if you make one more scream or
4 outburst on this unit, I'm gonna put you behind the
5 wall in 6A. And he could visually see that, he
6 could see, because I had only a gown on, everybody
7 could see my leg.

8 Q Okay. Next is Shonte Wells. Who is
9 Shonte Wells?

10 A She was a nurse that worked on the unit.

11 Q And why are you suing her?

12 A She saw my leg in that shape as well.

13 Q And when you said that she's the nurse on
14 the unit, do you mean at ASMP?

15 A Yes, sir.

16 Q What specifically did she do or not do
17 that you contend violated your rights or was
18 negligent?

19 A I was asking her as well as the other
20 nurses to get me some help or get somebody to do
21 something, look at my leg, you know, you can tell
22 something was -- look at my leg.

23 Q Okay. Next is Elizabeth West. Who is
24 Elizabeth West?

25 A Ms. West was like a night -- I think she

1 was an HST. I don't think she -- yeah, she was a
2 HST. She cleaned, she basically -- and I would show
3 her and, you know -- and ask her, you know what I'm
4 saying, you know, give me some help, let somebody
5 know or something, you know.

6 Q What does HST mean?

7 A I'm not sure. I just know that they come
8 and bandage and, you know, rewrap and stuff like
9 that. That's about all I know of it, all I ever
10 seen them do. But I asked her for -- you know, to
11 get somebody to get me some help too, somebody help
12 me, look at my leg, nobody would, nobody.

13 Q Okay. And finally, who is Timothy Young?

14 A He used to be the medical director here,
15 he used to be the medical director here.

16 Q At ASMP?

17 A Yes, sir.

18 Q And why are you suing Dr. Young?

19 A Well, Dr. Young came on the unit on a
20 Saturday, and I thought that he was, you know, over
21 this -- on that particular day, and I called him,
22 you know, to tell him, you know, to look at my leg,
23 look at my leg.

24 Q Okay. Well, let's go into the specifics
25 about those claims. What medical conditions do you

1 have?

2 A Diabetes.

3 Q Any other medical conditions?

4 A I got artery disease.

5 Q Any others?

6 A No, sir, just blood pressure all related
7 to diabetes.

8 Q And how long have you had diabetes?

9 A Probably ten years or more that I know of,
10 that I'm -- that I know of, because I never got -- I
11 didn't go to doctors and stuff when I was in the
12 street, and, you know, one day I got tested here,
13 and that's what it came out to be, diabetes.

14 Q And do you take any medications for
15 diabetes?

16 A Now I do.

17 Q Which medications?

18 A I take insulin, metformin.

19 Q I believe you also said you had artery
20 disease. How long have you had artery disease?

21 A Since 2007, that I know of.

22 Q And what medications do you take for that
23 medical condition?

24 A I take Plavix, aspirin, and Trental.

25 Q What is Plavix for?

1 A Well, for like thinning out a clot,
2 clotting, and it's an anticlotting medication,
3 really.

4 Q And one of those medications, did you say
5 tremotol?

6 A Trental -- trententol -- T-R-E-N-T-O-Y-L
7 [sic].

8 Q At what do you take that medication for,
9 what does it do?

10 A It's a blood thinner.

11 Q It's a blood thinner as well? And do you
12 take aspirin for the same reason?

13 A Yes, sir.

14 Q And then blood pressure, how long have you
15 had problems with your blood pressure?

16 A Well, it's just like off and on, I don't
17 take medication for it, for my blood pressure. They
18 don't give me medication for it. My blood pressure
19 is regulated with my diet and exercise. I no longer
20 take medication for it, haven't for a couple years
21 now.

22 Q So other than diabetes, artery disease,
23 and blood pressure, do you have any other medical
24 conditions?

25 A No, sir.

1 Q How do those medical conditions impact
2 your daily life?

3 A Now, it -- now, I mean, my -- you mean how
4 did it impact my life?

5 Q Yeah.

6 A In a lot of ways. I mean, I have to watch
7 what I eat, you know, I have to be very careful now
8 with what I eat and sometimes -- well, they don't
9 really have a direct impact on me, I don't think so,
10 but I can't say because I'm not a doctor. I'd say I
11 be bothered by it sometimes, sometimes I am, and
12 sometimes I'm not at all, so --

13 Q Okay. In your complaint you alleged that
14 you had surgery to remove your salivary gland
15 in 2015. When was that surgery specifically?

16 A I want to say July the 6th -- no, no, no.
17 Could you give me a minute to speak with him,
18 please?

19 MR. WILSON: No, you can't ask me --

20 Q (By Mr. Peters) No, I'm asking whether
21 you recall the date that the surgery was performed.

22 A No, not the exact date.

23 Q Where was that surgery performed?

24 A At one of the hospitals downtown by a ear,
25 nose, and throat specialist.

1 Q And when were you transferred to -- so is
2 that a hospital --

3 A Yes.

4 Q -- other than ASMP?

5 A Yes, sir.

6 Q When were you transferred to the hospital,
7 was it the day of the surgery?

8 A I don't think I can accurately answer that
9 question, because I've been to the hospital downtown
10 so many times, I --

11 Q In which facility were you housed in at
12 that time?

13 A Which prison?

14 Q Which prison, yes.

15 A I was at Georgia Diagnostic Classification
16 high-max unit.

17 Q And high-maximum, was that tier 3 with the
18 special management unit?

19 A Yes, sir.

20 Q And why did you need that surgery?

21 A Because the salivary gland, it was
22 blocked, it had calcium buildup, it had calcium
23 buildup and it was blocked, and it was causing like
24 an -- a vile like infection or something, you know,
25 but I had to have it because it was calcium, a piece

1 of calcium buildup in the gland, so they had to
2 remove it.

3 Q So the surgery was just to remove the
4 salivary gland?

5 A Yes, sir.

6 Q And do you remember who did the surgery?

7 A Just ear, nose, and throat, all I --

8 Q All right. You allege in your complaint
9 that medical staff at GDCP discontinued your Plavix
10 medication before the surgery. Why were you taking
11 Plavix at that time?

12 A For I had the anticlotting, the blood
13 thinners.

14 Q Who made the decision to take you off
15 Plavix before the surgery?

16 A Dr. Edward Hale Burnside.

17 Q How many days before the surgery did you
18 stop taking Plavix?

19 A It was probably, I want to say -- I'm
20 gonna say seven.

21 Q Seven days?

22 A Yes, sir.

23 Q Did Dr. Burnside tell you why he was
24 taking you off the Plavix before the surgery?

25 A No, but he did tell me that I had nothing

1 to worry about, and if I had any problem, that ASMP
2 would address it when I got here for surgery.

3 Q Okay. So at that time, you understood
4 that you'd be brought to ASMP after the surgery?

5 A Okay. He took me -- Dr. Burnside took me
6 off of my Plavix, after about a week of being off my
7 Plavix, I wrote a sick call to go in to see him, and
8 I explained to him, Dr. Burnside, you took me off my
9 Plavix, you know, he told me don't worry about it,
10 if there's any issues, if there are any issues by me
11 taking you off your Plavix, address it to Augusta,
12 ASMP --

13 Q Okay.

14 A -- and he transferred me here.

15 Q Okay. So did you -- were you here before
16 the surgery at ASMP, or did you go right from GDCP
17 to the hospital?

18 A I was here at Augusta, ASMP before the
19 surgery.

20 Q Just ballpark, how long were you here
21 before the surgery at ASMP?

22 A From June the 24th to, I'm going to say
23 July the 6th. Yeah, that's the date I went to
24 surgery, July the 6th.

25 Q And did any of the medical staff at ASMP

1 talk to you about your Plavix before the surgery?

2 A I spoke to the doctor and several nurses.

3 Q Do you recall who?

4 A Yes.

5 Q Who did you speak to?

6 A Dr. Fountain.

7 Q Okay. Who else?

8 A Nurse Giddens, Nurse Obuka, Nurse
9 Mitchell, you know, letting them know that I don't
10 have my Plavix, and y'all know -- I was a regular on
11 that unit for blockage, you know, arteries and stuff
12 like that, that's what I was going on the
13 anticlotting medication for, so I had been back and
14 forth on the unit for like years, so it was very
15 familiar with my health condition, you know, and I
16 was telling them that I'm not on my Plavix, I'm not
17 on my Plavix.

18 Q I'm sorry, I missed the name of the nurses
19 involved. Who was involved?

20 A Nurse Jackie Mitchell.

21 Q Who else?

22 A Nurse Obuka.

23 Q Okay.

24 A I can't -- it's just those two that I can
25 remember.

1 Q And before the surgery, what did
2 Dr. Fountain say about your Plavix prescription, did
3 she say anything to you about it when you asked her?

4 A She just basically ignored me throughout
5 the whole time, that's why I was trying to call
6 Dr. Tim Young when I saw him -- when I did see him,
7 and I thought he was still the medical over there.

8 Q So explain what you mean by that. You
9 said that you asked Dr. Fountain about your Plavix,
10 what do you mean by she ignored you?

11 A I said, Dr. Fountain, you know, each
12 morning they come in your room, take your blood
13 pressure and stuff like that, I said, Dr. Fountain,
14 I said, it's like my fourth day here, and I'm still
15 not getting my Plavix, and she said, well, you'll
16 have to wait until you go back to Jackson before you
17 get your Plavix. And after that, each time I asked,
18 never anything. When the clot came in my foot, I
19 said, Dr. Fountain, it's probably because I'm not on
20 my medication.

21 Q I'm talking about before the surgery.

22 A Before the --

23 Q Surgery.

24 A -- salivary gland surgery?

25 Q Yes.

1 A Okay. I spoke to her when I first arrived
2 here from Jackson, I told them that the medication,
3 that I was off of the medication Plavix, and
4 Dr. Burnside had told me don't worry about it, if
5 anything arises, let them know when I get to ASMP,
6 and I let them know.

7 Q Okay. And when did you start taking
8 Plavix again after the surgery?

9 A It was like, maybe -- I still didn't get
10 my Plavix after my salivary gland surgery, they
11 still didn't give it to me. I got my Plavix when I
12 went back to Jackson.

13 Q Okay. So you're stating that after the
14 surgery at the hospital, you came back to ASMP;
15 right?

16 A Yes.

17 Q So are you saying that they never gave you
18 Plavix at ASMP?

19 A No.

20 Q When did you start taking Plavix?

21 MR. FISHER: Do you want to clear that up,
22 Will? I don't think he meant no to the
23 question you asked, so, just --

24 THE WITNESS: No, I meant that after my
25 surgery, no, they did not continue -- they

1 didn't give me -- start back giving me my
2 Plavix, and I was kept here from like July
3 the 6th to like the 23rd, and they didn't give
4 me my Plavix. And while I was kept here after
5 my surgery, I could never tell you because
6 people in high-max, they usually get them out
7 of here.

8 Q (By Mr. Peters) Okay. When did you start
9 taking Plavix again after the surgery?

10 A When I got back to Jackson, I'm gonna say
11 some time like -- like -- I left -- when I left from
12 here after my salivary gland surgery, my leg was
13 already done. When they got me back to high-max,
14 they would not accept me, they sent me to Georgia
15 Baptist -- well, Atlanta Medical Center now. They
16 sent me to Atlanta Medical Center, and Atlanta
17 Medical Center cut my leg off. I stayed at Atlanta
18 Medical Center for some time, and they sent me back
19 here, because the Department of Corrections wouldn't
20 allow me to be on a high-max unit.

21 Q Okay. My question was when did you start
22 taking Plavix again after the surgery, how long?

23 A I couldn't give you an accurate answer on
24 that.

25 Q Okay.

1 A All I can say is when I came back here
2 after my amputation and my stay at Atlanta Medical
3 Center and -- it had to be when I was at Atlanta
4 Medical Center, I think they started giving it to me
5 then, after my leg was cut off.

6 Q So because you don't know the exact date,
7 you don't know how many days you were off Plavix
8 total; right?

9 A At which time?

10 Q Before --

11 A From the time he had taken me off of it --

12 Q Yes.

13 A -- to the time I got my leg cut off?

14 Q Yes, total time.

15 A I know for a fact that I was off of Plavix
16 from June -- I would like to say that I was off
17 Plavix from June 16th through July the 23rd. They
18 left it that I can't, you know -- the exact --

19 Q So after the surgery to remove your
20 salivary gland, you were brought back to ASMP;
21 right?

22 A Yes, sir.

23 Q In your complaint, you allege that you
24 started experiencing leg pain some time when you
25 came back to ASMP; right?

1 A (Nods head.)

2 MR. WILSON: You have to say yes or no.

3 THE WITNESS: Yes, sir.

4 Q (By Mr. Peters) Describe the pain that
5 you were experiencing at that time.

6 A In my feet and just below my lower part of
7 my calf I felt numbness, tingling, it's like a real
8 numbness, and then as the days pass by, instead of
9 walking with my foot like this (indicating), I can
10 no longer, they just (indicating). This happened
11 here on that medical unit. Them CERT officers out
12 there, a couple of them had to pick me up off of the
13 floor a couple times.

14 Q When did you first start experiencing that
15 leg pain?

16 A When I -- well, it started with just my
17 foot. When I first came here, I felt some, you
18 know, pain, and I let the doctors and nurses know
19 it, and I told them that it was because of my
20 Plavix. You know, I know what clots are, because I
21 got stents and surgery, I got implants and grafts
22 and everything in me, circulation, therefore, this
23 happened.

24 Q In your complaint, you allege that on
25 July 2nd, 2015, you informed ASMP medical staff

1 about the symptoms that you're describing. Who did
2 you inform on that date, if anybody?

3 A Nurses, several different nurses, or I
4 told, I think, the doctor.

5 Q Who specifically did you inform?

6 A I can't accurately give you -- but I know
7 for a fact that it was Dr. Fountain.

8 Q So Dr. Fountain's the only person that you
9 can specifically recall?

10 A It's like there's so many nurses in -- you
11 got units, and it's the nurses in and out of this
12 unit, in and out. You got some thinking about
13 insulin, you got those that come in and give out
14 pills, got these that come in and do dressing
15 change, bedding change, each -- you got the unit,
16 but you got different nurses for each task, and they
17 rotate and move all day. Some of them you just know
18 them by being there, being on the unit, you know,
19 seeing them being on the unit, that's all I know.
20 But that doctor stays on that unit, the doctor don't
21 roam.

22 Q So for Dr. Fountain, how did you inform
23 Dr. Fountain of your symptoms?

24 A I showed them, you know, they got a -- you
25 know, when you look at my leg, she stood on the

1 outside of the room and stood there, and I said,
2 look, I said, I got some pain in my leg, I said, you
3 know what my situation with clots and stuff.

4 Q Do you recall her saying anything during
5 that encounter?

6 A Walk it off.

7 Q On that date that we spoke about, July
8 2nd, do you recall receiving any treatment for
9 your leg pain on that date?

10 A Could I take a moment before I answer it?
11 I want to check with some -- could I do that,
12 because I don't want to give you an inaccurate or
13 unfactual answer, statement?

14 Q So, no, listen to my question. Do you
15 recall, independently of looking at anything,
16 whether or not you received treatment on that date?

17 A I can't remember well enough to --

18 Q You also allege in your complaint that on
19 July 9th, 2015, you advised ASMP medical staff that
20 you needed pain medication for your foot. Who did
21 you tell that you needed pain medication on
22 July 9th?

23 A I don't mean to, you know, offset this,
24 but I think they gave me Percocet and a hot
25 press [sic].

1 Q Okay. We're talking about the previous
2 instance on July 2nd; right?

3 A July 2nd, yeah.

4 Q So are you recalling that they gave you
5 Percocet and a hot press?

6 A I think they gave me Percocet and a hot
7 press on my leg.

8 Q Did the Percocet and the hot press on your
9 leg help with any of the pain?

10 A No, nothing helped.

11 Q So back to the question that I asked, you
12 also allege in your complaint that on July 9th,
13 2015, you advised ASMP staff that you needed pain
14 medication for your foot. Who did you tell that you
15 needed pain medication?

16 A Dr. Fountain and probably every nurse that
17 came in there.

18 Q Can you recall the names of any of the
19 nurses?

20 A Just Dr. Fountain, that's the only one I
21 can remember, recall the name.

22 Q And how did Dr. Fountain respond?

23 A As usual, walked off.

24 Q What about the nurses, how did they
25 respond?

1 A My memory in that area, I mean, it's -- I
2 don't want to say something that'll harm me, and I
3 don't want to sit here and sound like a person
4 telling a lie about something, you understand, so
5 when that -- when you ask me stuff like that and I
6 don't know, I just don't want to be --

7 Q So you can't recall the specifics of that
8 particular appointment on July 9th; right?

9 A I don't think any nurse -- no nurse gave
10 me anything.

11 Q Okay.

12 A But on that date, July the 9th, you
13 talking about -- I don't know, my memory isn't well
14 enough to remember a nurse and what she gave me,
15 which nurse, I can only testify to the things I can
16 remember.

17 Q Okay. You also allege in your complaint
18 that on July 12th, 2015, you advised ASMP medical
19 staff of your persisting leg pain. Can you recall
20 any of the specifics about that date?

21 A I remember, you know, the entire time I
22 was up on 2A complaining about my leg and, you know,
23 letting people know. I stopped at the doctors, I
24 stopped -- you see, I stopped everything from the
25 nurses to the medical director.

1 Q No, no, no, I asked specifically about
2 July 12th, 2015. Do you remember that specific
3 date, the medical encounters that you had?

4 A No, sir.

5 Q Okay. Next you allege that you voiced
6 complaints on July 13 and 14. Do you remember who
7 you voiced complaints to on those two dates?

8 A If it was anybody, it had to be the doctor
9 and the medical director.

10 Q Do you know specifically who it was at
11 this time?

12 A At this time, I couldn't factually tell
13 you who it was, I couldn't tell you. I couldn't
14 recall -- remember who it was and be truthful about
15 it.

16 Q Okay. Let's talk about something that you
17 said earlier. You allege in your complaint that
18 Stan Shepard threatened to move you to a secluded
19 area in the prison because you were crying out and
20 yelling.

21 A Yes, sir.

22 Q When did that occur?

23 A I can't remember the exact date on that,
24 but I remember -- I remember it very, very well, I
25 remember the date very well.

1 Q Were you actually moved to a secluded
2 area?

3 A Later, not then, but he did move me.

4 Q What does later mean?

5 A After I had my amputation. After I had my
6 amputation and came back here, Warden Shepard had
7 officers Sergeant Cratis that's still here now, and
8 Officer Sunderland take me to 12A, up a flight of
9 stairs, and into room 212. Put me upstairs in the
10 lockdown area in holding after my amputation.

11 Q Did you continue to have medical
12 appointments at that time?

13 A I had medical appointments, but they don't
14 come to get me.

15 Q You also allege in your complaint that on
16 July 16th, 2015, you advised one or several of the
17 ASMP medical staff that you were experiencing leg
18 pain and numbness in your foot. Can you recall who
19 you told on that specific date?

20 A No, sir.

21 Q Do you recall any details of any medical
22 encounter that you had on that date?

23 A No, sir.

24 Q You also allege that on July 17, 2015,
25 you again saw -- had an encounter with the medical

1 staff at ASMP. Can you recall any of the specifics
2 of that medical encounter?

3 A No, sir.

4 Q Do you recall any of your treatment at all
5 on that date?

6 A No, sir.

7 Q You also allege that on July 18, 2015, you
8 again complained of leg and foot pain to the medical
9 staff at ASMP. Can you recall any of the specifics
10 about that date?

11 A No, sir.

12 Q You also allege that on July 19, 2015, you
13 continued to complain of leg pain and foot pain.
14 Can you recall specifics of any of those complaints
15 on that date?

16 A No, sir. Those dates and stuff that you
17 giving me, that don't give me no idea of anything,
18 you know what I'm saying, it's actually to provoke
19 an answer that I'm not factual on. No, I don't
20 remember.

21 Q While you were at ASMP during that time,
22 were you able to walk around?

23 A During that entire time, from the time I
24 came for the salivary surgery?

25 Q Yes.

1 A I could at first, when I first came, I
2 could.

3 Q Okay. And so you were able to stand on
4 that foot?

5 A Yes.

6 Q And walk on it?

7 A Yes.

8 Q Did you ever have trouble with walking?

9 A Yes.

10 Q When did that happen?

11 A After I was here, I can't remember the
12 exact date, but as I told you, it stopped. You
13 walk, you walk with your foot, it stopped and it
14 started to drag. These CERT officers, they'll
15 verify it, they got me up off the floor a couple
16 times, I was going to get X-rays and stuff to see
17 how the surgery was coming along with this, it
18 stopped, my foot, my foot didn't work no more. And
19 before I left it --

20 Q Could you move your foot even though you
21 couldn't walk, were you still able to move your
22 foot?

23 A No, sir.

24 Q Were you able to move your foot when you
25 arrived at ASMP?

1 A Yes, I could.

2 Q When did you start having trouble moving
3 your foot?

4 A I can't be accurate with the date, not,
5 you know --

6 Q And while you were at ASMP, you were
7 provided pain medication; correct?

8 A Yes.

9 Q And I believe you said you were provided
10 Percocet?

11 A Yes.

12 Q Any other pain medications?

13 A No, just Tylenol. You know, I had
14 surgery --

15 Q Uh-huh.

16 A -- for this salivary gland removal, and
17 that was real painful.

18 Q How often were you provided Percocet?

19 A I can't be accurate with answering that.

20 Q What effect did the Percocet have?

21 A I guess it does with the pain, with the
22 pain that came along because I had to get -- well, I
23 guess it was supposed to help with pain.

24 Q Okay. You were also provided warm
25 compresses; right?

1 A Yes.

2 Q How often were you provided warm
3 compresses?

4 A I can't remember the nurse's name, but it
5 was a night nurse who come in and give -- you know
6 what I'm saying, to put on my leg.

7 Q And when we talk about warm compresses,
8 what does that mean, warm compresses?

9 A A plastic bag with a jug, like a diaper in
10 it with hot water in it and then they put it in the
11 microwave and let it get hot.

12 Q Okay.

13 A And then they give it to the inmate.

14 Q And did the warm compresses help?

15 A No.

16 Q So other than the dates that we spoke
17 about earlier at ASMP when you had voiced complaints
18 to medical staff, do you recall any other specific
19 dates when you had voiced complaints to the medical
20 staff?

21 A Just like the day of my arrival when I
22 came here, and the day I think I left from July
23 the 24th, I left on July the 24th. When I left on
24 July the 24th, the doctor, Dr. Kimberly Fountain was
25 standing at the door in front of me, and the special

1 management unit officers was telling her that they
2 needed a wheelchair for me and what happened to my
3 leg, what happened to me. They was asking what
4 happened to me, she stood at the door in front of
5 me, she was going out, she waited until we got
6 there, and I told her, I said, what happened, you're
7 going back to your institution now, let them find
8 out. Each time I voiced my pain to Dr. Fountain,
9 Dr. Fountain told me each time you are only going to
10 get treated for what you came here for.

11 Q While you were at ASMP, do you recall
12 whether the medical staff did any tests on your leg?

13 A No, sir.

14 Q Do you recall whether they examined your
15 leg?

16 A No, sir.

17 Q Did you state that you were transferred
18 to -- you were transferred on July 24th?

19 A I think it was the 23rd or 24th.

20 Q And were you transferred to GDCP?

21 A Yes, sir, I was sent back to GDCP.

22 Q And in your complaint you allege that when
23 you arrived at GDCP, you were examined by medical
24 staff; is that right?

25 A Upon my arrival?

1 Q Yes.

2 A Yes, I was. You know they check you in,
3 vitals and stuff like that, doctor -- Nurse Linda
4 Adair took my vitals and stuff and seen the
5 situation that's going on, put me out to see a
6 doctor. They called Dr. Burnside that night, and
7 the next morning Dr. Burnside asked me to come over
8 and do an angiogram, and the lady did the angiogram
9 and saw -- saw my leg and saw what was inside of it,
10 and they immediately sent me to Georgia Baptist, and
11 they cut it off, cut my leg off.

12 Q How long were you at GDCP before you were
13 transferred again to the hospital?

14 A Just that evening, overnight, just that
15 evening overnight.

16 Q And were you transferred to Atlanta
17 Medical Center?

18 A Yes, sir.

19 Q What treatment did you receive when you
20 arrived at Atlanta Medical Center?

21 A They drew some blood, the doctor came
22 back, told me what was wrong.

23 Q What did they say about what was wrong,
24 can you recall?

25 A He told me my leg had gangrene in my leg,

1 and he was trying to save as much of it as he could.

2 Q Can you recall when they informed you that
3 you had gangrene in your leg, how long after you
4 arrived at Atlanta Medical Center?

5 A It was the same day.

6 Q The same date that you arrived?

7 A Yes, sir.

8 Q When did the doctors at Atlanta Medical
9 Center tell you that you needed an amputation, how
10 long after you arrived there?

11 A You see, this is where I get mixed up with
12 all the medications and stuff, this is where I
13 don't -- I don't even know how long I was there, but
14 I remember when he brought the papers and told me to
15 sign, you know, for the surgery, and I don't even
16 know how long I was there, when I woke up, I was
17 here, and they told me my father was dead and buried
18 on the same day I got an amputation. The staff
19 here, Ms. McDowell, the unit manager brought the
20 phone to my room.

21 MR. PETERS: Let's take a brief break, go
22 use the restroom.

23 [A break is taken.]

24 Q (By Mr. Peters) Okay. You said that
25 Dr. Fountain was on the ward at ASMP during this

1 time that we're talking about; right?

2 A (Nods head.)

3 Q I'm sorry, was that a yes?

4 A Yes, sir.

5 Q And when Dr. Fountain would come see you,
6 did she ever examine you at this time?

7 A She would come in and take vitals and
8 stuff like that. If she did examine me, I don't
9 remember. Being truthful, I can't say that I can
10 remember examination from her or anybody else
11 concerning my foot.

12 Q So you said she would come in and take
13 your vitals?

14 A Yes, she would throughout the whole unit,
15 that's what they start the day off with, taking
16 people's vitals and --

17 Q How often do you think she took your
18 vitals during that time period?

19 A From the time I was brought here --

20 Q Uh-huh.

21 A -- to the time I left?

22 Q Uh-huh.

23 A It's like a month.

24 Q Okay. Are you saying this is like every
25 day or --

1 A Every day that she worked, the doctor
2 checks, that's who marks your chart, the doctor.

3 Q Okay. And did she ever look at your leg?

4 A She may have when it first started, I
5 don't recall an exact -- well, I -- yeah, she looked
6 at my leg, my foot too.

7 Q Okay.

8 A She kind of like -- you could see that
9 there was something wrong, you're not a doctor,
10 but -- okay. Yeah, she looked at it, she examined
11 it.

12 Q Okay. And earlier when you said that you
13 were able to walk around, again, when were you not
14 able to walk on your foot while you were at ASMP?
15 Let me rephrase that.

16 Were you able to walk around, it was just
17 hard to walk on that foot, were you still able to
18 stand up the whole time you were at ASMP?

19 A No, but on the last day I was here, I was
20 helped to the van by Lieutenant Dupree at Georgia
21 Diagnostic and Classification Prison in Jackson, she
22 watched the other two officers -- believe it or not,
23 they dead -- but Lieutenant watched this one that
24 got hit by a car changing the tire on 85 going back,
25 and the other one, I think they said he had a

1 massive heart attack or something. But that
2 Lieutenant Dupree, she's still at Jackson, but she's
3 not at high-max, she's across the street, she's
4 lieutenant across the street, she watched, they had
5 to carry me and put me on a van.

6 Q Okay. But up until that point -- what I'm
7 asking is, were you able to walk on the leg and it
8 was just difficult, or you, as you said, you had to
9 drag your foot, were you still able to stand up and
10 walk --

11 A Yeah, I --

12 MR. WILSON: And excuse me, what kind of
13 time frame are we talking about?

14 Q (By Mr. Peters) We're talking about when
15 you're at ASMP after the salivary gland surgery to
16 when you were transferred to Atlanta Medical Center,
17 were you able to walk on your foot?

18 A Huh-uh.

19 MR. WILSON: Yes or no.

20 THE WITNESS: No.

21 Q (By Mr. Peters) Wait a minute, you said
22 before that you were able to walk, but your foot
23 was -- you had to drag your foot.

24 A (Nods head.)

25 Q So when -- so are you saying that there

1 was a time where you couldn't walk at all?

2 A Yes, sir.

3 Q And when was that?

4 A When I left, the day I -- the day, like a
5 couple days before I left, I'm gonna say two days
6 before I left from here, I could not walk at all,
7 not -- I could stand, but not put no pressure on
8 this feet [sic], because it was of no use, this leg
9 was of no use, none at all, it was no use to me,
10 none.

11 Q Okay. So up until two days before you
12 left, you were able to stand up?

13 A I could stand up -- I could stand but not
14 on this -- I couldn't depend on this for nothing, it
15 was over with, done.

16 Q What treatment did you receive for your
17 right leg after the amputation?

18 A Just the wound care, some physical
19 therapy.

20 Q Okay. And do you currently have any pain
21 in your right leg?

22 A Yes, sir.

23 Q And describe that.

24 A My toes, they itch a lot, my foot is like
25 a searing-hot poker going through it.

1 Q Are you talking about your left leg?

2 A No, sir, my right leg.

3 Q Your right leg, okay.

4 A It's a condition called phantom pain.

5 Q And that's ongoing?

6 A Now, right now.

7 Q And what impact has the amputation had on
8 your life?

9 A If you knew me before like these people
10 know me, I was active, I worked out at the gym, I
11 weighed 237 pounds, I was not -- it messed me up,
12 man, it did more than just stop me from walking.

13 Q Are you currently receiving any treatment
14 for the pain?

15 A Yes, sir.

16 Q Okay. Do you take medications now for
17 that?

18 A Yes, sir.

19 Q What medications do you take now?

20 A I take Neurontin and MS Contin.

21 Q What damages do you seek in this lawsuit?

22 A I would rather let my attorney answer
23 that.

24 MR. WILSON: Just answer to the best of
25 your ability.

1 THE WITNESS: Just monetary damages, I
2 don't know how to say it, if I can go home,
3 damages --

4 MR. WILSON: Just do the best you can.

5 THE WITNESS: Well, I -- you know, I
6 just -- monetary damages, freedom, my freedom,
7 anything, you know, because it's like -- that's
8 it, man, you know, I mean, because I feel like
9 I won't be another ten years in here with one
10 leg, I don't think so.

11 Q (By Mr. Peters) Do you know what amount
12 of monetary damages that you want in this lawsuit?

13 A Uh-huh.

14 Q What's the amount?

15 A Twenty million.

16 MR. PETERS: Okay. So I'm going to check
17 with some of the other attorneys to see if they
18 would like to ask you questions. Peter?

19 CROSS-EXAMINATION

20 BY MR. FISHER:

21 Q Mr. Hardy, do you remember a doctor named
22 Poommipanit?

23 A Yep.

24 Q Who is he?

25 A He's the vascular -- the artery doctor, he

1 checked my heart and stuff.

2 Q Do you remember that he was a
3 cardiologist?

4 A Yes, sir.

5 Q Okay. Technical term, but --

6 A Yeah.

7 Q Do you remember him seeing you, I think
8 the medical records indicate that it was in May
9 of 2015, do you remember about that time frame?

10 MR. WILSON: Dr. Poommipanit, can you
11 spell that for me, please?

12 MR. FISHER: P-O-O-M-I-P-A-N-I-T [sic].

13 THE WITNESS: I can't remember. I know --

14 Q (By Mr. Fisher) Okay. And it's all right
15 if you don't remember the exact date or anything
16 like that, I'm just trying to get a general time
17 frame. As I recall, the medical records indicated
18 it was in May.

19 A Yeah, I know it.

20 Q And the reason I'm asking you that is
21 because by May, you already knew that you had to
22 have the surgery on your gland.

23 A It's right here. Yeah, that's why they
24 sent me to him, to make sure my heart was strong
25 enough for me to get that surgery.

1 Q Okay. And you anticipated where I was
2 going with that. Did Dr. Poommipanit talk to you
3 about going off Plavix?

4 A If he did, I didn't remember.

5 Q Okay. And did he talk to you at all about
6 why -- or did any doctor talk to you at all about
7 why you stopped Plavix?

8 A Dr. Burnside, I asked him, you know what
9 I'm saying, why was they not bringing my Plavix down
10 to D wing, and he told me that -- I told him, you
11 know, you know the situation with my clots and stuff
12 like that. He said, well, he told me it ain't
13 nothing to be concerned about, nothing to be afraid
14 of, he said Augusta would address any issue I had
15 concerning me not getting my Plavix when I got here.

16 Q Okay. Did anybody relate that to the
17 surgery, the stopping the Plavix to the surgery?

18 A I'm not sure, I don't know. I know I told
19 Dr. Fountain, I don't know if they -- I don't know
20 if anybody -- if it did, it wasn't in front of me.

21 Q Okay. I'm just wondering, did anybody
22 explain to you why you went off Plavix?

23 A No, but I haven't -- you know, recently I
24 have been explained to about why people be taken off
25 Plavix for surgeries and getting a tooth pulled and

1 different stuff, you'll bleed to death.

2 Q You've mentioned several times that you
3 asked people to look at your leg or asked them for
4 help, were you mainly looking for somebody to
5 restart your Plavix or were you looking for
6 something else in terms of treatment?

7 A I thought that Plavix would help, I even
8 asked about a heparin drip. You know what heparin
9 is? It's a blood thinner --

10 Q Okay.

11 A -- I would ask Dr. Fountain about a
12 heparin drip, she said, no, heparin's not gonna --
13 that's not what it's used for. I said, there's a
14 clot here. I knew what that Plavix was for, I know
15 what Plavix is for. Every medication, I know
16 exactly what it's for.

17 Q Right.

18 A I know what heparin is, I know what a deep
19 vein thrombosis from a -- I know about all of that.

20 Q Okay. Is that because of all your prior
21 surgeries?

22 A Yes, sir.

23 Q You kind of learned that as you went
24 along?

25 A Yes, sir. Yep.

1 Q All right. So if I understood what you
2 were telling Mr. Peters, you're just trying to
3 remember the best you can, I understand that.

4 A Yes, sir.

5 Q But your best memory at this point is that
6 you were off Plavix from the time that you left the
7 diagnostic and classification prison, which I think
8 was June 24th or some time around then, all the way
9 until you came back?

10 A No, sir. I was off of Plavix a week --

11 Q I'm sorry.

12 A -- before I left.

13 Q I'm sorry, you're right, you did say that.

14 A Yes.

15 Q So, yeah, I think you said June 16th.
16 I'm sorry, you did say that. So June 16th until --
17 did anybody ever give you Plavix before you went to
18 Atlanta Medical Center?

19 A When I got back to Jackson, no, sir.

20 Q Okay.

21 A Mary Gore or Ms. Adair.

22 Q All right. So you never received Plavix
23 from June 16 through July 24 until you went to
24 Atlanta Medical Center?

25 A Yes, sir, because when I got back to GDCP,

1 I never -- I spent that night, the next day I was
2 gone; the next morning, I was gone.

3 Q How clear is your memory about that, I
4 mean, do you think you could be wrong about that?

5 A No, sir. I came from here, I came from
6 here, I went to Jackson, they checked me out, they
7 called Dr. Burnside that night, the next day
8 Dr. Burnside sent a lady in to check my leg, and
9 that lady said get him out of here now. And they
10 took me back, packed all my stuff, Officer
11 Covington, C-O-V-I-N-G-T-O-N, Officer Covington and
12 Officer -- I can't pronounce that right -- but they
13 took me to Atlanta Medical Center.

14 Took me to Atlanta Medical Center, and
15 when we got to Atlanta Medical Center, this doctor,
16 a black male doctor and a female doctor drew some
17 blood, put me in a room. Sergeant Stroud from
18 Hancock State Prison came in, came as state guard
19 over me or whatever. When I woke up, he told me
20 there was nothing that they could do to help me or
21 help my leg or anything like that, and they're gonna
22 have to amputate it.

23 He said that I could -- you know, I told
24 him, no, you're not gonna cut my leg off, and he
25 said, well, you can leave it on and die, or you can

1 get it cut off and live, the choice is yours. You
2 know, he gave a shot in there that makes the
3 infection or the -- shows on the outside how far it
4 is up the limb. Are you familiar with that?

5 Q No, I'm not. So he gave you a shot that
6 shows you where the --

7 A No, sir, it made you see how far it was up
8 the limb, from my understanding, I guess, and you
9 know, every time I looked it got worse, it'd get
10 worse by the minute, and you could -- it had an
11 odor, and you had places that started to -- you
12 wouldn't want it on your body, you wouldn't want it
13 in your leg, man, because, God, it's your leg.

14 So they cut my leg off, and I was waking
15 up, I don't know how long I was there or how long my
16 leg had been cut off or what, and they brought me
17 here one night, and the unit manager, Ms. McDonald,
18 brought the phone in my room and told me to call
19 home, but I thought she told me to call home because
20 I had lost my leg.

21 But I call home, my dad passed, same day I
22 lost my leg. I talked to him, and after I talked to
23 him, the ambulance came and got him and took him to
24 the hospital here at Piedmont, and he died. I'm
25 sorry, you got me -- same day I got my leg cut off.

1 And --

2 Q Can I interrupt you just for a second?

3 A Yes, sir.

4 Q Because I wanted to go back to the day
5 that you went to Atlanta Medical Center. Do you
6 remember the initial examination you had at Atlanta
7 Medical Center at all?

8 A I know they got some blood, drew some
9 blood and stuff.

10 Q Do you remember at that time could you
11 stand up at all, and does your left leg bear weight?

12 A Yes.

13 Q I'm sorry, your right leg, could it bear
14 weight?

15 A No, sir.

16 Q All right. Do you remember a doctor, a
17 vascular surgeon named Dr. Methodius-Rayford?

18 A Methodius?

19 Q Rayford, Dr. Rayford, she was a female
20 vascular surgeon.

21 A Huh-uh, I remember the short, dark-skinned
22 lady with the -- she kept coming -- she kept coming
23 in my room, kept coming and talking to me, I can't
24 remember. But that doctor, that male doctor, his
25 name start with an M too, something.

1 Q Yeah, and I'm not familiar with
2 Dr. Methodius-Rayford in person, I just know what I
3 saw in the medical records. So when you came in to
4 Atlanta Medical Center, you couldn't put any weight
5 on the left leg?

6 A No, sir.

7 Q Could you move your foot up and down?

8 A This one?

9 Q Your left.

10 A No.

11 Q Okay. You couldn't move it at all?

12 A (Shakes head.) Dead, my foot.

13 Q Your foot was dead?

14 A Yes, I couldn't -- I couldn't do --

15 Q So you couldn't move it up and down or
16 side to side?

17 A No.

18 Q Okay. Do you remember whether anybody was
19 touching your foot to take pulses? Again, I'm
20 talking about your left, I'm sorry -- I mean your
21 right. I'm going to get these mixed up.

22 Your right foot is what I want to talk
23 about. Did anybody touch -- at Atlanta Medical
24 Center when you first went there, did anybody touch
25 that to check pulses in your foot?

1 A I'm sure they did. I mean, you know, they
2 probably test you or whatever, but I can't -- I
3 really can't remember that --

4 Q Okay.

5 A -- because I was on the pain medication, I
6 don't --

7 Q Fair enough, fair enough. And that's what
8 I want to know. I want to know what you can and
9 can't remember. Okay. And if I understand what
10 you're saying though, you're not sure who
11 Dr. Rayford, Methodius-Rayford is, which doctor that
12 was, and you don't specifically remember having a
13 conversation with her, is that right, did I get that
14 right?

15 A I would like to -- what was the
16 conversation, if you don't mind me asking?

17 Q No, that's what I'm trying to -- I'm
18 trying to find out whether or not -- she's the one
19 who ordered the initial testing on you, she had all
20 of those -- the arteriograms, she's the one who had
21 all that stuff done. And then they were, you know,
22 going to see how the arterial flow was in your leg.
23 Did she talk to you about that at all?

24 A I just remember a guy, a doctor, black
25 male doctor, and a short, black female doctor, and

1 they was going -- they came and told you, said you
2 could sign this, you know, for your surgery, and I
3 said I don't want my leg -- you ain't cutting my leg
4 off.

5 Q Right.

6 A They said, well, you can die with it on,
7 you know, and they told me just about, you know, how
8 bad the situation was with my leg, and, you know,
9 gave me some time to think about it, and I lifted
10 the cover and looked at it, and it -- you wouldn't
11 want -- I signed it, they took my leg. But I don't
12 know --

13 Q Do you remember a surgery before on that
14 right leg, do you remember a surgery on the lower
15 part of your leg before the amputation?

16 A Huh-uh.

17 Q No?

18 A Never been a surgery on my leg. Only
19 thing I've had was a stent in an artery in this leg.

20 Q Okay. I meant at Atlanta Medical Center,
21 did they do anything to kind of slice open the calf
22 before they cut your leg off to look at the calf?

23 A God, they sure did. They did.

24 Q Okay.

25 A God, man.

1 Q All right. Do you remember anybody
2 talking to you about that?

3 A I can't remember, but I remember that
4 happened. I remember that happened. They cut my
5 leg, sure did.

6 Q Okay. Were you in pain during most of
7 your stay at Atlanta Medical Center or did they keep
8 you pretty well medicated?

9 A Just I would say just medicated, man,
10 because I didn't figure out actually a lot about
11 what was going on until I got back here. But I
12 remember what you said about them cutting my leg,
13 they sure did.

14 Q Okay. Let's go back to your salivary
15 gland surgery for a second, the time that you had
16 that. You said it was at a hospital somewhere in
17 downtown Augusta, and you don't remember which one;
18 right?

19 A Yes, sir.

20 Q Okay. Do you remember talking to any of
21 the doctors at that hospital about your leg? I know
22 you were there for the salivary gland surgery, but
23 I'm wondering if you talked to any of them about
24 your leg.

25 A I did.

1 Q Okay. Do you remember who it was?

2 A No, sir. I'm trying to figure out how you
3 remember this stuff now, because --

4 Q Okay. Tell me what you can remember about
5 your conversation with the doctor.

6 A I told him that my foot was -- I had an
7 issue with clots, I told them my foot felt like it
8 was clotted up in my leg, you know, and every time
9 he made me lay on that side of the table, I'd tell
10 him that it was hurting and stuff like that. And he
11 was like, did you let people know at the prison, I
12 was like, yes, sir, I was like, and something ain't
13 right with my leg. And I can't remember exactly
14 what all me and him talked about. They came and
15 gave me a shot and put me out and got this salivary
16 gland surgery. But my foot was hurting then, sure
17 was.

18 Q Okay. And you told the doctor about it?

19 A Yes, sir.

20 Q And that was just before you got put out
21 with anesthesia?

22 A Yes, sir.

23 Q All right. And then after you woke up
24 from the surgery after the anesthesia wore off, did
25 you talk to anybody again about your leg at that

1 hospital?

2 A I think I talked to a girl where they put
3 you at to wake up, you know the room they put you in
4 to wake up, the lady that was in there talking to
5 me, and I think I spoke to her. Well, I spoke to
6 her about, you know, did they decide were they gonna
7 do something to my leg, or did they do anything to
8 my leg, she said no, she had no knowledge of it.
9 And the officers brought me back, on back to the
10 room, and I stayed in the room until like 1:00, and
11 they sent me back to prison.

12 Q So you were in a recovery room after
13 surgery for a few hours, and then you were taken
14 back to the prison?

15 A Yes, sir.

16 Q All right. And you mentioned that
17 Dr. Fountain would come around and see you each day
18 while you were at ASMP, and I'm talking about,
19 again, from the period that you went over there just
20 before you were sent to the hospital for your
21 salivary gland surgery, all the way until you went
22 back to the diagnostic and classification prison, so
23 that whole period of time was June 24th to July 22nd
24 or -3rd some time around that I think.

25 A I got one quick --

1 Q Sure.

2 A The lady you was just talking to, the
3 nurse you was just talking to that was out here at
4 the sewing machines, I think you spoke to her or
5 something, Ms. Harden, that's one of the nurses
6 that -- the one of the HST that verbally informed
7 Dr. Fountain in front of me, she out there now, he
8 needs some help, he needs some help, something wrong
9 with him. Jackie Mitchell is another one.

10 Q Okay. Now, you mentioned that the nurse
11 is right out there now, and her name is what?

12 A Ms. Harden.

13 Q Harten?

14 A H-A-R-D-E-N.

15 Q Okay, Harden.

16 A I just saw her at the sewing machine. I
17 was getting some water, she was at the sewing
18 machine, I just saw her.

19 Q All right. Thank you.

20 A She would come around, it's like this is
21 the medical unit, it's like that glass window, she
22 would come around, and she was like all stopped,
23 sewing machine was going too, and then she was
24 sewing, that she was not coming to -- and I keep
25 complaining day after day, and she would tell me the

1 same thing over and over, you came for your salivary
2 gland, you got to go back and let your primary
3 health care provider work you up to come back to us.

4 Q All right. Did you tell Dr. Fountain when
5 she came to see you each day that she was on duty,
6 when she came to see you each day, did you tell her
7 that you wanted to go back on your Plavix?

8 A Yes.

9 Q What did she say?

10 A She told me that I had to take that up
11 with my primary health care provider who took me off
12 the Plavix, I couldn't get it until I got back to
13 Jackson. I asked -- even asked for a heparin drip
14 because I felt like my foot was clotting, she said
15 no.

16 Q You mentioned that Dr. Fountain was taking
17 your blood pressure --

18 A She had --

19 Q -- I mean, different things about vitals,
20 but I remember you said blood pressure.

21 A Yeah, she checked my blood pressure.

22 Q Okay. And she checked your pulse, and did
23 she use a stethoscope and check your heart or your
24 lungs or anything too, or --

25 A She would check, put the cuff on, get my

1 blood pressure, and put the whatchacallit on my
2 back, breath in, breath out, breath in, breath out.

3 Q Okay.

4 A And basically that was it. And a lot of
5 times, it wouldn't be her to do it, she would be
6 there, it would be a nurse that do it. They would
7 go on like -- you just didn't -- and she would check
8 basically this is when -- you know what I'm saying?

9 Q Uh-huh, right. But when you made
10 complaints about your foot, did anybody check your
11 foot, like touch it or feel it or check pulses on it
12 or anything like that?

13 A If she did, I don't recall, you know what
14 I'm saying? You know, if I do, I'll let you know,
15 but --

16 Q Okay.

17 A -- basically they can't do anything unless
18 she instruct them, and she was not instructing them
19 to do anything for me. There's a couple of them
20 nurses out here who just -- you just walk to that
21 door and call somebody, and I guarantee you they'll
22 give you exactly what you want to know --

23 Q All right.

24 A -- better than I can. Because, I mean,
25 it's a lot of people that are pretty upset about

1 what happened, you know.

2 Q Okay. All right. Well, you mentioned
3 that nurses would sometimes take the vitals, and
4 they would do some assessment of you. Do you
5 remember nurses checking your pulses on your feet
6 and different things like that?

7 A No.

8 Q The whole time you were here?

9 A Nope, not my feet.

10 Q Who was it, I think you mentioned it was a
11 nurse who was on the evening shift who gave you the
12 warm compresses?

13 A No, she was a older black lady, she had
14 real short hair. I don't even -- she's not here no
15 more, I don't even -- some of them that I know from
16 meeting them, their children too, but some of them I
17 just didn't know at all, don't know.

18 Q Did any other nurse that you remember give
19 you warm compresses?

20 A Nurse Obuka, the African lady.

21 Q Was she on day shift or night shift?

22 A She's on day shift.

23 Q All right. So sometimes you got it in the
24 day shift, sometimes you got it on the night shift?

25 A It wasn't a regular thing, it was like

1 Nurse Obuka did like probably twice, and then the
2 old lady on night shift, I think she did it like
3 once or twice, but nobody else, it's not -- I mean,
4 you know what I'm saying, but, you know --

5 Q You were talking to us about when the leg,
6 the foot stopped being useful to you, I guess, and
7 at some point, you would tend to drag your toe
8 rather than put your foot flat on the ground; is
9 that correct?

10 A Yes, sir.

11 Q If I understand you, you said that
12 happened several days before you left, you fell a
13 couple of times, some officers helped pick you up,
14 and then at least for two days before you left here,
15 you had no feeling in your foot at all.

16 A None.

17 Q Okay. And when you went back to Jackson,
18 do you remember Dr. Burnside assessing your foot,
19 feeling around on your foot?

20 A I never seen Dr. Burnside again, I seen
21 Nurse Linda Adair and Nurse Mary Gore, and they
22 called Dr. Burnside on the phone that evening when I
23 got there, they called him on the phone at home and
24 told him what my leg looked like and what was going
25 on with me, and he ordered a angiogram, he ordered a

1 angiogram, I went to my dorm that night, stayed in
2 my dorm. The next day the lady came and did the
3 angiogram, she was just like, you gotta get him out
4 of here. She wasn't talking to me, she was talking
5 to the nurse in the office telling them that they
6 had to get me out of here.

7 Q So the angiogram was done while you were
8 in your cell?

9 A No, sir, I went to medical, they took me
10 to medical.

11 Q Okay. All right. So you went to medical,
12 it's done there. And whatever the results were, it
13 got you sent to Atlanta Medical Center.

14 A Yes, sir, Medical Center.

15 Q Do you remember whether the nurses were
16 taking pulses on your foot, were they feeling the
17 top of your foot or anything at that time?

18 A You talking about at Jackson?

19 Q Yes.

20 A No, just the lady came with a machine,
21 took some stuff, like gel, and put it on, put it on
22 my leg and rubbed it on there, and she just took a
23 thing with a ball on the end of it and rubbed it up
24 like that (indicating), and after that she was like
25 stopped, and I heard what she was telling the

1 officer, the nurse, but nobody played around with my
2 foot or touched on my foot or anything like that.

3 Q So what they put on your leg was something
4 with a ball and they moved it back and forth over
5 your leg area or your foot area?

6 A They took some gel --

7 Q Right.

8 A -- squirted it on my leg and took like a
9 pencil or pen with a ball on the end of it and
10 rubbed it up and down my leg, you know, to get
11 the -- and she was looking at something like that,
12 and I don't know what she saw or what, you know, but
13 she got me out of there, I appreciate it too.

14 Q All right. So when you went back, you
15 never saw Dr. Burnside, you just understand that he
16 gave the verbal order to send you to the hospital?

17 A Yep.

18 Q All right. And then when you were there,
19 the nurses didn't do anything to your feet except
20 they put the -- for the test, they put the gel on
21 your leg and they ran what looked like a pen with a
22 ball at the end up and down your leg to give some
23 picture that showed up on a screen on the computer?

24 A No, not the nurses from GDCP, the contract
25 lady that they called in, that's who did that.

1 Q Okay. All right.

2 A The nurse at GDCP never touched me.

3 Q All right. And it was the contract person
4 that was brought in to do --

5 A The angiogram.

6 Q Okay. And that's the one you overheard
7 say you need to get him out of here?

8 A Yup.

9 Q All right. And was that the same day that
10 you were sent to Atlanta Medical Center, or was that
11 the day before?

12 A Huh-uh, it was the same day. It was the
13 same day.

14 Q All right. When you went to Atlanta
15 Medical Center, did you have any trouble not only
16 with your right leg, but also with your left leg?

17 A No, I wasn't -- this, my right leg, only
18 thing that I could, you know -- I may have some pain
19 from, you know, the gland surgery and my blood not
20 circulating, because I told you I got stents in my
21 artery, but this is the only thing that I know of
22 that was --

23 Q Okay. So as far as you know, your left
24 leg was pretty good, but your right leg was that one
25 that was really hurting you?

1 A Uh-huh.

2 Q Is that correct?

3 A Yes, sir.

4 Q Okay. And when you got to Atlanta Medical
5 Center when you first went in there and there was an
6 initial examination of you, nobody -- well, you said
7 you couldn't put weight on your left leg; right?

8 A (Nods head.)

9 Q Correct? I'm sorry, you can't nod your
10 head, we need -- the court reporter needs to get it.

11 A I couldn't put weight on my right leg.

12 Q I keep saying left, and you keep
13 correcting me. I'm glad you do, because I don't
14 want to mix those up. Okay.

15 You couldn't put any weight on your right
16 leg, and you couldn't move your foot up and down or
17 side to side at all?

18 A That's correct.

19 Q All right. And from what you've told us
20 here today about the timeline, you were off of
21 Plavix for over a month from approximately
22 June 16th until you went to Atlanta Medical
23 Center.

24 A Yes, sir.

25 Q You never got Plavix after June 16th at

1 GDCP, and you never got Plavix while you were at
2 Augusta State Medical Prison?

3 A That's correct, I never got Plavix from
4 GDCP or Augusta Medical Center again.

5 MR. FISHER: All right. I think that's
6 all I have. Thank you.

7 MS. MCGOVERN: Do you need a break? I
8 won't be long.

9 MR. WILSON: No, we're fine.

10 CROSS-EXAMINATION

11 BY MS. MCGOVERN:

12 Q I'm Annarita McGovern, we met before, I
13 represent Dr. Young in this case, Mr. Hardy, and I
14 have a few additional questions that really just
15 pertain to him. Okay?

16 A Okay.

17 Q Tell me what does Dr. Young look like?

18 A He's slim, he drives a Volkswagen Bug, he
19 got a bald head at the top, he got a gray and black
20 hair, his first name Tim, and I used to work for him
21 right up on this unit up here as a orderly when I
22 had two legs.

23 Q When did you work for him as a --

24 A It was years back, years ago.

25 Q We've got to be careful, he's trying to

1 take us down, so if we talk over each other, he
2 can't do it.

3 A I'm sorry.

4 Q When were you an orderly for him?

5 A I worked up there on that unit. Yeah,
6 it's been some years ago back before I started
7 getting in trouble and stuff when I had two legs
8 and --

9 Q What years approximately, was it
10 two-thousand --

11 A Because he was the medical director too.

12 Q 2010, 2012, 2014? It wasn't when you came
13 back here for the surgery in 2015.

14 A Matter of fact, Dr. Young was the medical
15 director way back before me. I think he was the
16 medical director in 2000, 2001, '99, I could be
17 wrong, but, you know --

18 Q I just want to know around when do you
19 think you were an orderly for him, was it early
20 2000s?

21 A Yes, ma'am, it had to be.

22 Q Does that sound --

23 A Yes, ma'am.

24 Q You don't need an exact date, that's fine.
25 So early 2000s. Now, you were an orderly for him in

1 where, in 2A?

2 A I've been a 3A orderly.

3 Q You were the 3A orderly?

4 A Yes, sir [sic].

5 Q In the early 2000s?

6 A In ninety -- I think it was '99.

7 Q Okay.

8 A I think it was '99.

9 Q All right.

10 A And I was the orderly that do just this
11 area right out here too in '99 too, it goes all the
12 way back up --

13 Q What's this area called?

14 A It's staff dining now, but it was part of
15 medical back then, it go all the way back up to
16 medical. Go past that and you all the way around to
17 medical. I did all the floors and buffing and
18 waxing and stuff like that.

19 Q Okay. So was that also late '90s, early
20 2000s?

21 A Nineties.

22 Q It was in the '90s?

23 A Yes, ma'am.

24 Q Did you do that first and then became the
25 orderly after?

1 A Yes, I did that first, I worked for
2 Mr. Pitts then, and then I became the orderly
3 on 3A --

4 Q Was that --

5 A No, that was around then because you
6 got --

7 Q All right. So let me go back and make
8 sure I understand. Sounds like you enjoy the job,
9 so you started doing the medical dining area in the
10 late 90s; is that right?

11 A Yes, ma'am.

12 Q And you buffed it, cleaned it, made sure
13 everything was okay?

14 A Yeah, buffing, cleaning, waxing, and stuff
15 like that.

16 Q All right. And you had authority to do
17 that, you weren't getting in trouble at that time --

18 A Nope. I was getting in trouble, not like
19 I did later on in the unit.

20 Q Because later on, you wouldn't have been
21 allowed to do that?

22 A No, ma'am.

23 Q Okay. So how long did you do the dining
24 area, was it like a few months, a year --

25 A A few months. Just months.

1 Q And then you became the orderly in 3A, was
2 that '99, 2000?

3 A I think 1999, 2000 -- '99.

4 Q All right. And at that point in time,
5 Dr. Young was here?

6 A If I'm not getting him mixed up with
7 somebody else, but I know Dr. Young real good, you
8 know, I knew him like -- well, better than anybody
9 here, I know him from seeing him, from talking to
10 him and stuff like that, you know what I'm saying,
11 and known him for some years too.

12 Q Okay. What were the years when you say
13 you knew him, you knew Dr. Young, you talked to him
14 a lot, were those the early 2000s?

15 A It would have been in the 2000s, in the
16 late 2000s, and during this time when this happened
17 with me and stuff like that, because I called him, I
18 told somebody to go and get him, to go and get
19 Dr. Young when this was happening with me, but it
20 just so happened he came in one -- I can't remember
21 the exact date, what weekday, but he came in and I
22 was speaking to him, and he told me that he was no
23 longer the medical director.

24 Q Okay. So let me stop you so I can go
25 through --

1 A I can --

2 Q Hold on, hold on, I want to catch up with
3 you, because you're going very quickly. So are you
4 talking about when you were here in 2015 to get your
5 surgery, you were off the Plavix, you had someone
6 call Dr. Young, and he told you he was no longer the
7 medical director?

8 A I heard a nurse --

9 Q Wait, wait, wait. Just tell me if I am
10 following you, is that correct, for the time being?

11 A That's not -- your wording is not correct,
12 I had no one to call him, I had a nurse to go --

13 Q Okay.

14 A -- and get him.

15 Q Okay. A nurse went and got him, and this
16 was a weekday you said?

17 A I think it was during the week.

18 Q Was it before your surgery or after your
19 surgery?

20 A I think it was after my salivary gland
21 surgery, I think. I remember he was on 2A, I
22 remember being on the window, telling him to come
23 here, I said, Doctor, you see my foot, he said, man,
24 I can't help you, he said I'm no longer the -- Mary
25 Alston is.

1 Q He what, I'm sorry?

2 A He told me that someone else was the
3 medical director.

4 Q Okay. And did you even know what his job
5 was at that point in time?

6 A Yeah.

7 Q What was his job?

8 A Oh, you talking about what he had changed
9 jobs to?

10 Q Yeah, you don't know?

11 A No.

12 Q Do you know who the medical director was
13 at the time this was all going on?

14 A Yeah, now I do at the time.

15 Q Okay. Who is it?

16 A Mary Alston.

17 Q Okay. Did you reach out to her at any
18 point in time?

19 A (Nods head.)

20 MR. WILSON: You have to answer yes or no.

21 Q (By Ms. McGovern) Yes, thank you.

22 A Yes.

23 Q And so at what point did you reach out to
24 her?

25 A When she came around and stuff after I was

1 telling her, you know, to look at it, but she's even
2 worse than Dr. Fountain, she flagged me off too.

3 Q Okay. So Dr. Young received a call from a
4 nurse, you asked a nurse to call Dr. Young; is that
5 right?

6 A No, it's not right. I never --

7 Q Okay. Tell me some --

8 A -- got anybody to call Dr. Young, I had --

9 Q How did --

10 A -- a medical personnel -- if you see
11 Dr. Young out there, will you let him know I need to
12 speak to him about my foot.

13 Q Okay.

14 A That's how that went.

15 Q And is that what happened?

16 A Yes, ma'am.

17 Q Somebody saw him and said, hey --

18 A I don't know if she told him or not, but I
19 looked up one day, he was at the desk, and I beat on
20 the window, boom boom, Dr. Young, come look at my
21 foot.

22 Q So you were on 2A, and you saw Dr. Young,
23 and you banged on the window?

24 A Yes.

25 Q And you knew Dr. Young?

1 A Yes.

2 Q And he came in, and what did you tell him?

3 A I said, Dr. Young, look at my foot, and he
4 was like, hey, I can't do -- that's not -- I ain't
5 over this no more.

6 Q Okay. So you knew at that point he was no
7 longer the medical director, because he told you;
8 right?

9 A I didn't know what he was, but I knew --

10 Q Right, right, right, but he told you he
11 wasn't the medical director?

12 A Yeah, he told me he wasn't over that no
13 more, so --

14 Q Okay. So you knew he -- strike that.

15 So you know you've sued him as the medical
16 director in your complaint, would that be a mistake?

17 A That's because I thought that Dr. Young
18 was still over this, you know what I'm saying,
19 that's why he's in the --

20 Q Okay, so --

21 A -- no, ma'am, that's not a mistake.

22 Q Well, you thought he was still the medical
23 director in 2015, but now we're talking about your
24 conversation with him when he came to see you and he
25 told you --

1 A He said --

2 Q Wait, wait, let me finish the question.
3 Let me finish the question. But when he talked to
4 you, he told you he was not the medical director;
5 correct?

6 A No, he never told me he was not the
7 medical director, his words was I'm not over this
8 anymore.

9 Q He said I'm not over this anymore?

10 A That's what he told me.

11 Q Okay. And did you all have any further
12 words after that?

13 A No.

14 Q That was the full conversation?

15 A That was it.

16 Q Okay. But when we were just talking, it
17 sounded like you understood or at least you
18 understand today that he was not the medical
19 director at the time?

20 A I know Dr. Young, been known him for
21 years.

22 Q Sitting here today, do you have any basis
23 to demonstrate the he was the medical director when
24 you were here in 2015?

25 A Well, according to the medical director, I

1 mean, if he -- the only thing I know that he told me
2 was I'm not over this.

3 Q All right. So he wasn't over -- and he
4 was in 2A when he gestured I'm not over this?

5 A Yes.

6 Q Did he like use his hands to gesture, or
7 how did he demonstrate --

8 A I said, Dr. Young --

9 Q Right.

10 A -- I need you to -- he was like, I'm not
11 over this.

12 Q He said I'm not over this.

13 A I'm not over this anymore.

14 Q So what did you interpret that to mean?

15 A He wasn't over that, he --

16 Q He couldn't help you?

17 A Exactly.

18 Q You knew Dr. Young, you knew him to be --
19 would you say he's a good doctor?

20 A Yeah.

21 Q Would you say you liked working with him?

22 A I would say he was a good doctor, I'd say
23 if he -- you know --

24 Q Okay.

25 A That's just my opinion.

1 Q You believe that if he was able to do
2 something for you, he would have, based on what kind
3 of doctor he was?

4 A I think so, I think he would.

5 Q Okay. All right. And then did he leave
6 the room after that?

7 A They walked, they went -- kept continued
8 walking and stuff, walking around, you know, to each
9 cell, each bed. You know how it's made up there;
10 right?

11 Q Well, now, were you aware that he was over
12 the outpatient clinic at that time when you were
13 here in 2015, that that's what his job was?

14 A (Nods head.)

15 Q Were you aware of that?

16 A No, ma'am, I didn't know.

17 Q But you're familiar as an orderly with the
18 set up; right?

19 A (Nods head.)

20 Q Is that correct?

21 A (Nods head.)

22 Q I need a verbal for the --

23 A Yes, yes, ma'am.

24 Q That's okay. So the outpatient clinics
25 handle differently from 2A and 3A; correct?

1 A I don't know anything about that.

2 Q They're different parts of the treatment
3 area; correct?

4 A I don't know.

5 Q Okay. That's fine. All right. And so
6 during the time you were here at ASMP, Dr. Young was
7 not one of your doctors who was treating you,
8 rounding on you, and checking on you; correct?

9 A No, he was not.

10 Q And when he said I'm not over this, did
11 that include, to your understanding, Dr. Fountain,
12 that he was not over Dr. Fountain?

13 A Somebody had to be over her, somebody
14 had --

15 Q Probably the medical director; right?

16 A Yeah.

17 Q Yeah. When did you talk to Dr. Alston,
18 was it after Dr. Young?

19 A Yeah, I spoke to her a couple times after
20 that, I even wrote a grievance on her.

21 Q You did?

22 A Yes.

23 Q Okay. Was that about this or something
24 else?

25 A Everything, I mean, from like the stuff

1 that broke out on me, just different stuff, you
2 know, that she wasn't doing, and some unprofessional
3 conduct, you know, the things she would say to you,
4 you know --

5 Q Was there anything in relation to
6 treatment of your leg?

7 A Talking about Dr. Alston? Yes, I did.
8 Matter of fact, they left the staples, they left
9 them in there for like over a month after the date
10 that they was supposed to get them out, they kept
11 saying vascular was gonna get them out. Vascular
12 don't take out staples, so the staples start going
13 in -- flesh started going over the staples, and
14 what's the guy's name, he took -- there's a guy who
15 took them out, a nurse, RN took them out and said
16 that they had been in there too long, vascular don't
17 take out staples, and he don't know why that they
18 would tell me that.

19 Q Okay.

20 A Her and Dr. Fountain.

21 Q Okay. Were those the doctors that you
22 generally saw when you were here during this period
23 of time; June, July of 2015?

24 A You talking about Dr. Fountain?

25 Q Yes, were those the two doctors you saw?

1 A Dr. Fountain.

2 Q Okay. Those are the doctors that rounded
3 on you and made notes on you and all those things?

4 A Dr. Kimberly Fountain.

5 Q Okay. And Dr. Young was not one of the
6 doctors who was treating you, rounding on you, notes
7 on you; correct?

8 A No. No, Dr. Young never did it.

9 Q Okay. You got kind of excited when we
10 were talking about Dr. Young, you said he's a good
11 guy.

12 A Yeah.

13 Q So tell me what you think of him as a
14 person.

15 A Dr. Young was cool, he's a good person,
16 and he's smart.

17 Q Okay.

18 A And he's a fair person, and a lot of
19 people here miss him, we'd rather have him for a
20 medical -- I would rather have him for a medical
21 director than the one that's here now.

22 Q Okay.

23 A So --

24 Q Why did you name Dr. Young in the lawsuit
25 then?

1 A I mean, basically I just figured that that
2 was -- you know, he was a part of -- I had to get
3 him in order to get her because you gotta get the
4 commissioner in order to get the warden.

5 Q And if he was not in the chain of command
6 any longer, he was in a completely different area
7 and was no longer in that chain, would you still
8 want to pursue a lawsuit against Dr. Young?

9 A Yes.

10 Q Why?

11 A Because I would have to -- at first I
12 would have to go and get advised by my attorneys.

13 Q Sure.

14 A Because they know law, I don't.

15 Q Sure, sure, sure, and I'm not asking you
16 that part of it, I just meant from how you feel and
17 what you're trying to recover in this action, if he
18 was not in the chain of command of people who were
19 overseeing what was going on in 2A, 3A, managing it,
20 doing policies, treating and so forth, he was
21 completely out of that loop, would you want to
22 pursue a claim against him?

23 A There would be no need, I mean, for me to
24 continue at him if he have nothing to do with it.
25 He wasn't over none of that.

1 MS. MCGOVERN: Okay, great. Thank you for
2 your time today. I have no further questions.

3 THE WITNESS: Okay. You could've asked me
4 that from the beginning, I would've told you
5 that about Dr. Young.

6 MS. MCGOVERN: We could've saved time.

7 THE WITNESS: Yeah.

8 MR. WILSON: I just have a few questions
9 for you Mr. Hardy.

10 THE WITNESS: Okay.

11 DIRECT EXAMINATION

12 BY MR. WILSON:

13 Q We were talking earlier about Percocet and
14 warm compresses that you received during the month
15 of July of 2015. Can you estimate how many times
16 you received that?

17 A Probably, me estimating, probably four or
18 five times, maybe.

19 Q And in each of those times, did you ever
20 tell any of the nurses or Dr. Fountain that those
21 Percocets and compresses weren't helping you?

22 A Yes, I did, I told Dr. Fountain it wasn't
23 helping me.

24 Q Do you recall what either Dr. Fountain or
25 the nurses said after that?

1 A Just, you know, they -- no, I don't.

2 Q Okay. To the best of your knowledge, did
3 any other inmates undergo anything similar to what
4 you went through either before July of 2015 or after
5 July of 2015?

6 A Yeah.

7 MR. FISHER: Objection, lack of --

8 MS. MCGOVERN: Objection to form.

9 MR. FISHER: -- lack of foundation too.
10 Go ahead.

11 Q (By Mr. Wilson) All right. You can go
12 ahead and answer.

13 A Yes, I've known inmates lose their legs
14 because of negligence here. I've known two inmates
15 in my dorm recently that died, Mr. Israel Cruz and
16 Harry Scott, they died in our dorm in front of us
17 recently. Mr. Robert Price, he fell off a toilet
18 and died. These be people that they bringing back
19 and forth to medical, and they send them back, and
20 they die in here with us.

21 Q These individuals you just named, do you
22 recall what they died of?

23 A (Nods head.)

24 Q All right. Can you go through each one
25 and just explain what they died of?

1 A Mr. Israel Cruz, he was on dialysis, and
2 he had a knot came in his stomach and he kept
3 throwing up every day when he come from dialysis
4 and, you know, everybody kept pushing him back and
5 forth over here to 6A, and they say they don't got
6 no nurses in the evening time. He left and went out
7 somewhere because the dialysis and the grafts in his
8 arm, he came back and he fell one day and started
9 throwing up, and they got him, put him in the chair,
10 they brought him over here, they sent him back, he
11 died, said he had a tumor and it ruptured.

12 Mr. Harry Scott, he had some form of
13 cancer, and he had been in the hospital and got out
14 and they put him right back down the walk. He
15 couldn't get up out of the bed, he couldn't bathe
16 himself or nothing. They inspect every day, they
17 walk through that ward, they walk through every day
18 for inspection, doing cleaning stuff, but he was
19 laying in that bed the whole while.

20 Q When you say they, they inspect, who are
21 they you're talking about?

22 A Warden Larry Redd, Warden Monica Harvey,
23 Warden Philbin don't come every day, but they come
24 every day, and they see, they saw, and I watched
25 them watch him die. Mr. Robert Price, he died, he

1 fell off the toilet. He was on the toilet, he had
2 cancer. Me and him had been 14 before together.
3 They moved me to 14A-1 moved him to 14A-3, and I
4 seen some dude come up with him in a wheelchair one
5 night, and not long after that, they brought him
6 back in a wheelchair, and in the morning, they said
7 they found him dead.

8 It's a lot of -- it's a lot stuff, it's a
9 lot of people here, man, that died. You know, you
10 can't save everybody, but it's something else to
11 just let a person -- you just let people -- you let
12 people die. And I'm not saying nobody knows -- none
13 of us know medical treatment or anything like that,
14 but if this what you sworn to do, then you do that.
15 Don't take my strike as a criminal and try to stand
16 behind your profession as a doctor or a nurse when
17 you letting these people -- you got the same
18 mentality I got if you gonna let somebody die, or
19 the same I suppose I had, because I wouldn't let
20 anybody die, I ain't never killed nobody, and I
21 won't let nobody die if I can help it though, I
22 won't. But don't do that to people.

23 You watch -- you watch Mike Bradley, the
24 one that got the 586, man, you watch these people --
25 stuff happen to these -- how can you -- as ugly as

1 my leg was, how can you look at that and not do
2 something about it, man, regardless of how bad you
3 hate me or how bad of a person you think I am, could
4 you actually look at something like that and turn
5 your head? What kind of person are you? You got
6 pictures of -- you got -- y'all got pictures of my
7 leg?

8 Q Actually, I'm just asking you --

9 A Okay. But you look at it before they cut
10 it off, how can you turn your head from something
11 like that and go home and tell your kids, you know,
12 that you doing the right thing when you just watched
13 the man's leg rot off of his body. Man, that hurt,
14 that hurt. It hurts even worse now, not just the
15 physical pain, this what killed my daddy, this is
16 what killed him.

17 Q Do you know for a fact --

18 A Yes.

19 Q -- he found out about this?

20 A Yes, yes, he did.

21 Q How did your father find out about it?

22 A Because when I was at Atlanta Medical
23 Center, they're Georgia Baptist, don't forget,
24 that's my neighborhood, you got officers from other
25 prisons that I know, you got people coming through

1 that hospital, and it's not like them hospitals
2 downtown. If y'all ever been to Georgia Baptist,
3 y'all know what I'm talking about. That's the hood,
4 them people pour in, street people, homeless people,
5 everybody, and who -- I mean, who can go there and
6 not be seen by somebody that they know, you
7 understand, from that area, from that neighborhood?

8 So y'all call it Atlanta Medical Center,
9 but it's Georgia Baptist on Boulevard, you know.
10 And he got the word, he got the word, there's way to
11 get things done, he got the word that I had lost my
12 leg. You can call my step-mom right now, she'll
13 verify, you call my sister right now, they called an
14 ambulance, he got an ambulance and went here at
15 Piedmont Hospital, and that's where my dad died at.

16 MR. WILSON: I have nothing further.

17 RECROSS-EXAMINATION

18 BY MR. FISHER:

19 Q You've been mentioning several times that
20 you were asking different people to look at your
21 leg.

22 A (Nods head.)

23 Q What were they going to see when they
24 looked at your leg?

25 A It was ugly, I mean, it was like dark and

1 it looked like -- it don't look like my leg. It
2 don't look like a leg that a man would have on his
3 body, it was nasty, it was real ugly.

4 Q Were there open sores?

5 A No, not right -- not on that -- it was
6 like abrasions, like it felt like abrasions and
7 stuff. But I'm gonna show you something, since you
8 asked. Can you see that? Can you see that?

9 Q Along your Achilles tendon you're pointing
10 to?

11 A Sir?

12 Q You were pointing to the area along your
13 Achilles tendon?

14 A Yes, sir, and one -- this one done healed
15 up, that one healed up.

16 Q Okay.

17 A But --

18 Q Those are sores that you have on your left
19 leg right now?

20 A Yes, sir.

21 Q Did you have similar sores on your right
22 leg?

23 A No, sir.

24 Q Okay.

25 A Nothing -- nothing ever happened to break

1 the skin on this leg or anything like that. And
2 these come from the leg on the wheelchair, I bumped
3 it, that's why I took the legs off my wheelchair,
4 because I was bumping, and it would just be a bump,
5 and a couple days go on, the bump become a sore, and
6 the sore becomes a worse [sic], and the worse [sic]
7 becomes a hole, and then it takes forever for it to
8 heal up.

9 Q That's related to your diabetes?

10 A Yes.

11 Q Okay. That was not what was happening to
12 your left leg?

13 A No, sir.

14 Q Your right leg, I'm sorry, the one that
15 you got amputated, it was not what was happening to
16 your right leg?

17 A No, sir, my right leg didn't have no kind
18 of injuries to it whatsoever, my foot either, no
19 kind of injury.

20 Q But what you expected people to be able to
21 see was swelling?

22 A And the darkness, the darkness in it, and
23 then, you know, it just -- toward the end it got
24 like worse, and you could actually see in -- you
25 know, when I was going back to Jackson, I could

1 smell my leg, I was on a van with this leg laying on
2 the seat, and this one on the floor like this, you
3 know, sitting with my back to the window going back
4 to Jackson, and I could actually smell my leg.

5 Q Okay. But at that time, you had an open
6 wound; correct?

7 A No, sir.

8 Q What I said was right?

9 A Yes, sir, just darkness and, you know,
10 just darkness, swelling like.

11 Q All right. Did either of the nurses who
12 gave you warm compresses on your foot make any
13 comment about your leg?

14 A Huh-uh, they just put it through -- you're
15 in a glass-front cell with a slide in it, and they
16 bring it to you and put it through the -- you get
17 it.

18 Q Okay.

19 A That's it.

20 Q So you put your own warm compresses on
21 your leg?

22 A On my leg.

23 Q All right. They essentially put the warm
24 compresses through like the food tray opening or
25 whatever?

1 A Yes.

2 Q Okay.

3 A Yep.

4 MR. FISHER: All right. That's all I
5 have. Thanks.

6 MS. MCGOVERN: Nothing further.

7 REDIRECT EXAMINATION

8 BY MR. WILSON:

9 Q Mr. Hardy, how much darker was that right
10 leg than the left leg when you were experiencing the
11 symptoms?

12 A It was very dark, like purple. It was
13 like on my foot around the tip, like my toenail like
14 around there, and then it come on up and get dark
15 and darker.

16 Q Was it like that when you first
17 transferred to ASMP?

18 A When I came here?

19 Q Yes.

20 A It progressed while I was here.

21 Q How much more swollen was the right leg
22 than the left leg when you started experiencing
23 pain?

24 A It was noticeably swollen, you could
25 notice it, you could see it was probably like

1 20 percent when it first started, but once it fully
2 got to that, you could look at my leg and you could
3 tell something was wrong with my leg as far as the
4 way it was messed up, swollen, and the way it
5 looked, you know, you could look at it.

6 Q Did you ever touch that right leg, feel on
7 it?

8 A You talking about me?

9 Q Right, yeah, did you touch your own leg,
10 just when it was hurting, and you tried to stop it?

11 A Yeah, I touched my leg.

12 Q Now, did you feel any temperature
13 difference between that right leg and left leg when
14 you were feeling pain?

15 A Yeah, it was hot.

16 Q So which leg was hot, the right leg or --

17 A The right one.

18 Q The right one?

19 A Yes, it was hot. Just that leg pain ain't
20 the only thing, I was throwing up, I was throwing up
21 in there, and she watched me pass a bunch of blood.

22 Q When you say she, who are we talking
23 about?

24 A Dr. Fountain.

25 Q Now, you said that you were getting

1 nausea, when did that start?

2 A Probably a couple days before, the same --
3 a couple days before I went back to my prison.

4 Q So this was after the salivary gland
5 surgery?

6 A Uh-huh.

7 Q All right. Did either Dr. Fountain or any
8 of the nurses give you anything for the nausea?

9 A No, sir.

10 Q You told them about the nausea though?

11 A Yes, and I showed them about the blood
12 passing through while she -- when she was in my
13 room.

14 Q And do you recall what anybody told you in
15 response to the vomiting?

16 A No, sir.

17 Q Were you given anything like Kaopectate,
18 Pepto-Bismol, anything like that?

19 A No, sir.

20 MR. WILSON: Okay. All right. I have
21 nothing further.

22 [The deposition concludes at 1:38 p.m.]

23 /

24 /

25 /

1 DISCLOSURE

2
3 DEPONENT: GEORGE W. HARDY

4 STATE OF GEORGIA:

5 COUNTY OF RICHMOND:

6 Pursuant to Article 10.B. of the Rules and
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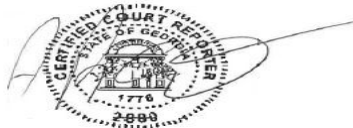
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I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquy, questions, and answers thereto were reduced to typewriting under my direction; that the foregoing pages 4 through 100 represent a true, complete, and correct transcript of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of Augusta Scribes Court Reporters, LLC, and the signature and original seal is attached thereto.

I further certify that I am not related to or are of counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in any way interested in the result of said case.

This, the 23rd day of March, 2020.



ANDREW RYAN ESTROFF, CVR, CCR

1 ERRATA SHEET

2 I, George W. Hardy, the witness herein, do
 3 hereby certify that I have read all questions
 4 propounded to me and all answers given by me on the
 9th day of March, 2020, taken before Andrew Ryan
 Estroff, and that:

5 _____1) There are no changes noted.

6 _____2) The following changes are noted:

7 Page _____ Line _____ should read:_____

8 Reason for change:_____

10
 11 Page _____ Line _____ should read:_____

12 Reason for change:_____

13 Page _____ Line _____ should read:_____

14 Reason for change:_____

15 Page _____ Line _____ should read:_____

16 Reason for change:_____

17 Page _____ Line _____ should read:_____

18 Reason for change:_____

ERRATA SHEET (Continued)

Page ____ Line ____ should read:_____

Reason for change:_____

Page ____ Line ____ should read:_____

Reason for change:_____

Page ____ Line ____ should read:_____

Reason for change:_____

Page ____ Line ____ should read:_____

Reason for change:_____

George W. Hardy

Sworn to and subscribed before me

on this ____ day of _____, _____.

Notary Public

My commission expires: _____

	afraid (1) 52:13	4:13;73:12	assault (2) 9:25;10:12	banged (1) 80:23
[African (1) 67:20	anticipated (1) 52:1	assessing (1) 68:18	Baptist (5) 29:15;43:10;93:23;
[A (1) 44:23	again (12) 28:8;29:9,22;	anticoagulation (3) 21:2;24:12;26:13	assessment (1) 67:4	94:2,9
[sic] (8) 15:19;21:7;33:25;	37:25;38:8;43:13;	anymore (3) 82:8,9;83:13	Assistant (1) 4:24	based (1) 84:2
48:8;51:12;75:4;	46:13;58:19;62:25;	appointment (1) 35:8	assume (1) 5:13	basically (8) 6:4;14:3;19:2;
96:6,6	63:19;68:20;73:4	appointments (2) 37:12,13	Atlanta (29) 29:15,16,16,17;	27:4;66:4,8,17;88:1
[The (1) 100:22	against (3) 16:12;88:8,22	appreciate (1) 70:13	30:2,3;43:16,20;44:4,	basis (1) 82:22
[Witness (1) 4:16	Aggravated (1) 9:25	approximately (2) 72:21;74:9	8;47:16;54:18,24;	bathe (1) 91:15
A	aggressive (3) 12:6,24;13:20	area (14) 35:1;36:19;37:2,	55:13,14,15;57:5,6;	bear (2) 57:11,13
ability (3) 7:24;8:3;49:25	ago (2) 73:24;74:6	10;70:5,5;75:11,13;	58:4,23;60:20;61:7;	beat (1) 80:19
able (15) 38:22;39:3,21,24;	ahead (2) 90:10,12	76:9,24;85:3;88:6;	69:13;71:10,14;72:4,	became (3) 75:24;76:2;77:1
46:13,14,16,17;47:7,	ain't (6) 52:12;60:3;62:12;	94:7;95:12	22:93;22:94:8	become (1) 96:5
9,17,22;48:12;84:1;	81:4;92:20;99:19	arises (1) 28:5	attack (1) 47:1	becomes (2) 96:6,7
96:20	al (1) 4:4	arm (1) 91:8	Attorney (4) 4:24;5:22;15:7;	bed (3) 84:9;91:15,19
abrasions (2) 95:6,6	allege (13) 24:8;30:23;31:24;	Armed (3) 9:13,16;10:2	49:22	bedding (1) 32:15
accept (1) 29:14	33:18;34:12;35:17;	arose (1) 10:4	attorneys (2) 50:17;88:12	begin (1) 5:20
accident (2) 8:14;9:3	36:5,17;37:15,24;	around (17) 38:22;46:13,16;	Augusta (13) 4:7,12;10:22;13:2,	beginning (1) 89:4
according (2) 16:7;82:25	38:7,12;42:22	54:8;63:17,24;64:20,	17:15;16:16;16;	behind (2) 18:4;92:16
accurate (4) 12:19;29:23;40:4,	alleged (1) 22:13	22:68;19:70:1;74:18;	25:11,18;52:14;	below (1) 31:6
19	allow (1) 29:20	75:16;76:5;79:25;	61:17;73:2,4	besides (3) 8:12;9:3;10:10
accurately (2) 23:8;32:6	allowed (2) 4:10;76:21	84:8;98:13,14	authority (1) 76:16	best (5) 49:24;50:4;54:3,5;
Achilles (2) 95:9,13	along (5) 39:17;40:22;53:24;	arrangements (1) 6:11	aware (2) 84:11,15	90:2
across (2) 47:3,4	95:9,12	arrival (2) 41:21;42:25	B	better (2) 66:24;77:8
action (1) 88:17	Alston (4) 78:25;79:16;85:17;	arrived (7) 28:1;39:25;42:23;	back (57) 12:18;26:13;27:16;	Betty (2) 5:3;17:4
active (1) 49:10	86:7	43:20;44:4,6,10	28:12,14;29:1,10,13,	black (5) 55:16;59:24,25;
actually (8) 12:1;37:1;38:18;	ambulance (3) 56:23;94:14,14	arterial (1) 59:22	18;30:1,20,25;34:11;	67:13;73:19
61:10;93:4,8;96:24;	amended (1) 14:4	arteries (1) 26:11	37:6;42:7,21;43:22;	bleed (1) 53:1
97:4	amount (2) 50:11,14	arteriograms (1) 59:20	46:24;54:9,19,25;	blockage (1) 26:11
Adair (3) 43:4;54:21;68:21	amputate (1) 55:22	artery (7) 20:4,19,20;21:22;	55:10;57:4;61:11,14;	blocked (2) 23:22,23
additional (1) 73:14	amputated (1) 96:15	50:25;60:19;71:21	63:9,9,11,14,22;65:2,	blood (22) 20:6;21:10,11,14,
address (3) 25:2,11;52:14	amputation (9) 30:2;37:5,6,10;	ASMP (36) 13:4,8;18:14;	3,7,12;66:2;68:17;	15,17,18,23;24:12;
administered (2) 8:6,9	44:9,18;48:17;49:7;	19:16;23:4;25:1,4,12,	70:4,14;73:24;74:6,	27:12;43:21;53:9;
advised (5) 33:19;34:13;35:18;	60:15	16,18,21,25;28:5,14,	13,15;75:12,15,15;	55:17;57:8,9;65:17,
37:16;88:12	Andrew (1) 4:13	18;30:20,25;31:25;	76:7;90:18,19;91:4,8,	20,21;66:1;71:19;
affect (3) 7:24;8:3,9	anesthesia (2) 62:21,24	33:19;34:13;35:18;	10,14;92:6;96:25;	99:21;100:11
affected (2) 11:10,12	angiogram (7) 43:8,8;68:25;69:1,	37:17;38:1,9,21;	97:3,3;100:3	Board (1) 5:1
	3,7;71:5	39:25;40:6;41:17;	bad (3) 60:8;93:2,3	
	Annarita (2)	42:11;44:25;46:14,	bag (1) 41:9	
		18;47:15;63:18;85:6;	bald (1) 73:19	
		98:17	ball (4) 69:23;70:4,9,22	
		aspirin (2) 20:24;21:12	ballpark (1) 25:20	
			bandage (1) 19:8	

bodily (1) 9:25	19,21;66:21;78:6,12; 80:3,4,8;94:8,12,13	69:13,14;71:10,15; 72:5,23;73:4;93:23; 94:8	clot (4) 16:6;21:1;27:18; 53:14	25;18:17
body (3) 56:12;93:13;95:3	called (10) 19:21;43:6;49:4; 55:7;68:22,23;70:25; 75:13;77:17;94:13	CERT (2) 31:11;39:14	clots (5) 16:4;31:20;33:3; 52:11;62:7	Contin (1) 49:20
boom (2) 80:20,20	came (40) 11:6;17:12;19:19; 20:13;27:18;28:14; 30:1,25;31:17;34:17; 37:6;38:24;39:1; 40:22;41:22;42:10; 43:21;54:9;55:5,5,18, 18;56:23;58:3;60:1; 62:14;65:1,5,6;69:2, 20;74:12;77:20,21; 79:25;81:2,24;91:2, 8;98:18	chain (3) 88:5,7,18	clotted (1) 62:8	continue (3) 28:25;37:11;88:24
bothered (1) 22:11	can (45) 6:9,11;13:1;18:21; 23:8;26:24;30:1; 31:9;32:9;34:18,21; 35:15,15,19;37:18; 38:1,9,14;43:24; 44:2;45:9;50:2,4; 51:10;54:3;55:25,25; 57:2;59:8;60:6;62:4; 66:24;77:24;78:1; 89:15;90:11,24; 92:21,25;93:1,10; 94:5,12;95:8,8	chair (1) 91:9	clotting (2) 21:2;65:14	continued (2) 38:13;84:7
Boulevard (1) 94:9	cancer (2) 91:13;92:2	chance (1) 12:18	coming (7) 11:5;39:17;57:22, 22,23;64:24;93:25	contract (2) 70:24;71:3
Bradley (1) 92:23	car (3) 8:13;9:3;46:24	change (3) 5:11;32:15,15	command (2) 88:5,18	conversation (5) 59:13,16;62:5; 81:24;82:14
break (7) 5:21,23,24;44:21, 23;73:7;95:25	cardiologist (1) 51:3	changed (1) 79:8	comment (1) 97:13	conviction (5) 9:11,14,16,19; 10:14
breath (4) 66:2,2,2,2	care (5) 15:19,19;48:18; 65:3,11	changing (1) 46:24	commissioner (1) 88:4	convictions (4) 9:22,24;10:10,19
brief (1) 44:21	careful (2) 22:7;73:25	charges (3) 10:4,6;12:2	complain (1) 38:13	cool (1) 87:15
briefly (1) 14:6	carry (1) 47:5	chart (1) 46:2	complained (1) 38:8	copies (1) 14:20
bring (1) 97:16	Case (12) 4:4;5:9;8:21;9:9; 10:4;15:6,10,25; 16:25;17:10;18:2; 73:13	check (10) 33:11;43:2;50:16; 55:8;58:25;65:23,25; 66:7,10,11	complaining (2) 35:22;64:25	correcting (1) 72:13
bringing (2) 52:9;90:18	cases (1) 10:2	checked (4) 51:1;55:6;65:21,22	complaint (14) 14:3,4,5;22:13; 24:8;30:23;31:24; 33:18;34:12;35:17; 36:17;37:15;42:22; 81:16	Corrections (4) 4:4;5:1;7:16;29:19
broke (1) 86:1	catch (1) 78:2	checking (2) 67:5;85:8	complaint (14) 14:3,4,5;22:13; 24:8;30:23;31:24; 33:18;34:12;35:17; 36:17;37:15;42:22; 81:16	County (3) 7:11,12,19
brought (11) 25:4;30:20;44:14, 19;45:19;56:16,18; 63:9;71:4;91:10;92:5	causing (1) 23:23	checks (1) 46:2	complaints (8) 14:20;15:2;36:6,7; 38:14;41:17,19; 66:10	couple (12) 12:9;21:20;31:12, 13;39:15;48:5;66:19; 68:13;85:19;96:5; 100:2,3
buffed (1) 76:12	cell (3) 69:8;84:9;97:15	children (2) 6:24;67:16	completely (2) 88:6,21	Court (8) 4:6,16;5:15;6:1; 8:7,9,15;72:10
buffing (2) 75:17;76:14	Center (31) 29:15,16,17,18; 30:3,4;43:17,20;44:4, 9;47:16;54:18,24; 55:13,14,15;57:5,7; 58:4,24;60:20;61:7;	choice (1) 56:1	compresses (12) 40:25;41:3,7,8,14; 67:12,19;89:14,21; 97:12,20,24	courtroom (1) 8:8
Bug (1) 73:18		circulating (1) 71:20	computer (1) 70:23	cover (1) 60:10
buildup (3) 23:22,23;24:1		circulation (1) 31:22	computers (1) 11:4	Covington (2) 55:11,11
bump (2) 96:4,5		Civil (1) 4:10	concerned (1) 52:13	C-O-V-I-N-G-T-O-N (1) 55:11
bumped (1) 96:2		claim (1) 88:22	concerning (2) 45:11;52:15	Cratis (1) 37:7
bumping (1) 96:4		claims (3) 5:9;16:12;19:25	concludes (1) 100:22	criminal (5) 9:11,24;10:10,19; 92:15
bunch (1) 99:21		clarify (1) 13:3	concurrent (2) 10:8,17	CROSS-EXAMINATION (3) 4:21;50:19;73:10
buried (1) 44:17		classification (9) 10:23;11:1,10,12; 13:18;23:15;46:21; 54:7;63:22	condition (4) 17:2;20:23;26:15; 49:4	Cruz (2) 90:15;91:1
Burnside (14) 24:16,23;25:5,8; 28:4;43:6,7;52:8; 55:7,8;68:18,20,22; 70:15		cleaned (2) 19:2;76:12	conditions (4) 19:25;20:3;21:24; 22:1	crying (1) 36:19
		cleaning (2) 76:14;91:18	conduct (1) 86:3	cuff (1) 65:25
		clear (3) 5:17;28:21;55:3	contend (5) 15:23;16:24;17:9,	current (1) 9:12
C		clinic (1) 84:12		currently (3) 10:21;48:20;49:13
calcium (4) 23:22,22,25;24:1		clinics (1) 84:24		cursing (2) 13:12,13
calf (3) 31:7;60:21,22		Close (1) 10:24		cut (13)
call (14) 25:7;27:5;56:18,				

29:17;30:5,13; 43:11,11;55:24;56:1, 14,16,25;60:22;61:4; 93:9 cutting (2) 60:3;61:12	53:18 defendant (1) 8:17 Defendants (2) 5:2;15:10 demonstrate (2) 82:23;83:7 Department (5) 4:4,25;5:1;7:16; 29:19 depend (1) 48:14 deposed (2) 5:4,5 deposition (14) 4:2,7,11;5:6,9;6:3; 13:24;14:8,11,13,15, 22;15:4;100:22 Describe (2) 31:4;48:23 describing (1) 32:1 desk (1) 80:19 detail (1) 16:11 details (1) 37:21 Diabetes (7) 20:2,7,8,13,15; 21:22;96:9 Diagnostic (5) 13:18;23:15;46:21; 54:7;63:22 dialysis (3) 91:1,3,7 diaper (1) 41:9 die (8) 55:25;60:6;90:20; 91:25;92:12,18,20,21 died (10) 56:24;90:15,16,18, 22,25;91:11,25;92:9; 94:15 diet (1) 21:19 difference (1) 99:13 different (11) 7:9;14:21;32:3,16; 53:1;65:19;67:6; 85:2;86:1;88:6;94:20 differently (1) 84:25 difficult (1) 47:8 dining (3) 75:14;76:9,23 direct (2) 22:9;89:11 director (22) 19:14,15;35:25;	36:9;74:11,15,16; 77:23;78:7;79:3,12; 81:7,11,16,23;82:4,7, 19,23,25;85:15;87:21 disciplinary (14) 11:9,13,18,21,24; 12:2,5,14,18,23;13:4, 5,11,19 discontinued (1) 24:9 discovery (1) 4:9 discuss (1) 6:9 discussed (1) 15:6 disease (4) 20:4,20,20;21:22 District (2) 4:5,6 Division (1) 4:7 doctor (35) 15:13;16:6;22:10; 26:2;32:4,20,20; 36:8;41:24;43:3,6, 21;46:1,2,9;50:21,25; 52:6;55:15,16,16; 57:16,24,24;59:11, 24,25,25;62:5,18; 78:23;83:19,22;84:3; 92:16 doctors (11) 16:20;20:11;31:18; 35:23;44:8;61:21; 85:7;86:21,25;87:2,6 documents (4) 13:25;14:7,12,17 done (10) 5:6;16:6,23;29:13; 48:15;59:21;69:7,12; 94:11;95:14 door (3) 41:25;42:4;66:21 dorm (4) 69:1,2;90:15,16 down (10) 5:16;16:9;52:9; 58:7,15;70:10,22; 72:16;74:1;91:14 downtown (4) 22:24;23:9;61:17; 94:2 Dr (92) 15:12;16:12;19:18, 19;24:16,23;25:5,8; 26:6;27:2,6,9,11,13, 19;28:4;32:7,8,22,23; 34:16,20,22;41:24; 42:8,9;43:6,7;44:25; 45:5;51:10;52:2,8, 19;53:11;55:7,8; 57:17,19;58:2;59:11;	63:17;64:7;65:4,16; 68:18,20,22;70:15; 73:13,17;74:14;77:5, 7,13,19;78:6;80:2,3, 4,8,11,20,22,25;81:3, 17;82:20;83:8,18; 85:6,11,12,17,18; 86:7,20,24;87:1,4,5, 8,10,15,24;88:8;89:5, 20,22,24;99:24;100:7 drag (4) 39:14;47:9,23;68:7 dress (1) 32:14 drew (3) 43:21;55:16;57:8 drip (3) 53:8,12;65:13 drives (1) 73:18 dropped (3) 11:6,8,8 dude (1) 92:4 duly (2) 4:16,19 Dupree (2) 46:20;47:2 during (11) 33:4;38:21,23; 44:25;45:18;61:6; 77:16;78:17;85:6; 86:22;89:14 duty (1) 65:5	encounter (4) 33:5;37:22,25;38:2 encounters (1) 36:3 end (6) 6:9,10;69:23;70:9, 22;96:23 enforcement (1) 10:13 enjoy (1) 76:8 enough (5) 33:17;35:14;51:25; 59:7,7 entire (2) 35:21;38:23 errors (2) 5:25;6:7 essentially (1) 97:23 estimate (2) 12:13;89:15 estimating (3) 12:15,17;89:17 Estroff (1) 4:14 et (1) 4:4 even (12) 8:7;39:20;44:13, 15;53:7;65:13;67:14, 15;79:4;80:1;85:20; 93:14 evening (5) 43:14,15;67:11; 68:22;91:6 everybody (5) 11:7;18:6;91:4; 92:10;94:5 exact (11) 12:9,11;22:22; 30:6,18;36:23;39:12; 46:5;51:15;74:24; 77:21 exactly (4) 53:16;62:13;66:22; 83:17 examination (5) 45:10;57:6;72:6; 89:11;98:7 examine (2) 45:6,8 Examined (4) 4:19;42:14,23; 46:10 except (1) 70:19 excited (1) 87:9 excuse (1) 47:12 exercise (1) 21:19
D			E	
dad (2) 56:21;94:15 daddy (1) 93:15 daily (1) 22:2 damages (5) 49:21;50:1,3,6,12 dark (3) 94:25;98:12,14 darker (2) 98:9,15 darkness (4) 96:22,22;97:9,10 dark-skinned (1) 57:21 date (25) 22:21,22;25:23; 30:6;32:2;33:7,9,16; 35:12,20;36:3,23,25; 37:19,22;38:5,10,15; 39:12;40:4;44:6; 51:15;74:24;77:21; 86:9 dates (4) 36:7;38:16;41:16, 19 day (42) 12:1;17:14;19:21; 20:12;23:7;27:14; 32:17;41:21,22;44:5, 18;45:15,25;46:1,19; 48:4,4;55:1,7;56:21, 25;57:4;63:17;64:25, 25;65:5,6;67:21,22, 24;69:2;71:9,11,12, 13;80:19;91:3,8,16, 17,23,24 days (12) 24:17,21;30:7; 31:8;48:5,5,11;68:12, 14;96:5;100:2,3 dead (5) 44:17;46:23;58:12, 13;92:7 deal (1) 9:8 death (1) 53:1 decide (1) 63:6 decision (1) 24:14 deep (1)			ear (2) 22:24;24:7 earlier (4) 36:17;41:17;46:12; 89:13 early (5) 74:19,25;75:5,19; 77:14 eat (2) 22:7,8 Edward (1) 24:16 Edwin (1) 4:13 effect (1) 40:20 either (5) 89:24;90:4;96:18; 97:11;100:7 Elizabeth (3) 5:4;18:23,24 else (9) 26:7,21;45:10; 53:6;68:3;77:7;79:2; 85:24;92:10	

expected (1) 96:20	61:10;62:2	8,15,18,19;69:16,17; 70:2,2,5;72:16; 78:23;80:12,21;81:3; 96:18;97:12;98:13	25:16;42:20,21,23; 43:12;54:25;70:24; 71:2;73:1,4	7:6,7
experiencing (6) 30:24;31:5,14; 37:17;98:10,22	figured (3) 14:21,23;88:1	forever (1) 96:7	GED (1) 7:13	grafts (2) 31:21;91:7
explain (3) 27:8;52:22;90:25	file (1) 12:19	forget (1) 93:23	gel (3) 69:21;70:6,20	gray (1) 73:19
explained (2) 25:8;52:24	filed (1) 9:7	form (2) 90:8;91:12	General (2) 4:24;51:16	great (1) 89:1
F	finally (1) 19:13	forth (5) 26:14;70:4;88:20; 90:19;91:5	generally (1) 86:22	grievance (1) 85:20
facilities (1) 13:21	find (3) 42:7;59:18;93:21	found (2) 92:7;93:19	George (4) 4:3,3,18;6:16	Griffin (1) 7:10
facility (1) 23:11	fine (4) 6:13;73:9;74:24; 85:5	foundation (1) 90:9	Georgia (13) 4:4,6,25;7:12,20; 13:18;23:15;29:14; 43:10;46:20;93:23; 94:2,9	ground (1) 68:8
fact (5) 30:15;32:7;74:14; 86:8;93:17	finish (3) 5:20;82:2,3	Fountain (40) 5:2;15:11,11,12; 16:12;26:6;27:2,9,11, 13,19;32:7,22,23; 34:16,20,22;41:24; 42:8,9;44:25;45:5; 52:19;53:11;63:17; 64:7;65:4,16;80:2; 85:11,12;86:20,24; 87:1,4;89:20,22,24; 99:24;100:7	gesture (1) 83:6	guarantee (1) 66:21
facts (1) 9:8	finished (1) 7:6	Fountain's (1) 32:8	gestured (1) 83:4	guard (1) 55:18
factual (1) 38:19	First (15) 4:19;28:1;31:14, 17;39:1,1;46:4; 58:24;72:5;73:20; 75:24;76:1;88:11; 98:16;99:1	four (1) 89:17	Giddens (5) 5:2;16:12,13,14; 26:8	guess (8) 8:16;11:4;16:7,20; 40:21,23;56:8;68:6
factually (1) 36:12	Fisher (11) 4:13;6:14;28:21; 50:20;51:12,14;73:5; 90:7,9;94:18;98:4	fourth (1) 27:14	girl (1) 63:2	guy (3) 59:24;86:14;87:11
fair (3) 59:7,7;87:18	Five (4) 10:17;12:10,13; 89:18	frame (3) 47:13;51:9,17	given (2) 9:1;100:17	guy's (1) 86:14
familiar (4) 26:15;56:4;58:1; 84:17	fixed (1) 15:21	freedom (2) 50:6,6	giving (3) 29:1;30:4;38:17	gym (1) 49:10
family (1) 6:19	flagged (1) 80:2	front (5) 41:25;42:4;52:20; 64:7;90:16	glad (1) 72:13	H
far (5) 7:5;56:3,7;71:23; 99:3	flat (1) 68:8	full (2) 6:15;82:14	gland (19) 22:14;23:21;24:1, 4;27:24;28:10;29:12; 30:20;40:16;47:15; 51:22;61:15,22; 62:16;63:21;65:2; 71:19;78:20;100:4	habit (1) 5:16
father (2) 44:17;93:21	flesh (1) 86:13	fully (1) 99:1	glass (1) 64:21	hair (2) 67:14;73:20
Federal (2) 4:10;8:15	flight (1) 37:8	further (5) 82:11;89:2;94:16; 98:6;100:21	glass-front (1) 97:15	Hale (1) 24:16
feel (6) 15:18;50:8;66:11; 88:16;99:6,12	floor (3) 31:13;39:15;97:2	G	God (3) 56:13;60:23,25	Hancock (4) 12:25;13:1,17; 55:18
feeling (4) 68:15,19;69:16; 99:14	floors (1) 75:17	gangrene (4) 16:9,9;43:25;44:3	goes (1) 75:11	handle (1) 84:25
feet (5) 31:6;48:8;67:5,9; 70:19	flow (1) 59:22	gave (15) 12:3,18;28:17; 33:24;34:4,6;35:9, 14;56:2,5;60:9; 62:15;67:11;70:16; 97:12	gonna (11) 18:4;24:20;29:10; 48:5;53:12;55:21,24; 63:6;86:11;92:18; 95:7	hands (1) 83:6
fell (4) 68:12;90:17;91:8; 92:1	following (1) 78:10	GDC (1) 6:17	good (6) 71:24;77:7;83:19, 22;87:10,15	happen (2) 39:10;92:25
felony (4) 9:14,16,18;10:14	Follows (1) 4:20	GDCP (13) 13:10,11;24:9;	Gore (2) 54:21;68:21	happened (15) 17:16;31:10,23; 42:2,3,4,6;61:4,4; 67:1;68:12;77:16,20; 80:15;95:25
felt (6) 15:20;31:7,17; 62:7;65:14;95:6	food (1) 97:24		gotta (2) 69:3;88:3	happening (3) 77:19;96:11,15
female (4) 15:12;55:16;57:19; 59:25	foot (60) 16:1,3;17:2,12,15; 27:18;31:9,17;33:20; 34:14;37:18;38:8,13; 39:4,13,18,18,20,22, 24;40:3;45:11;46:6, 14,17;47:9,17,22,23; 48:24;58:7,12,13,19, 22,25;62:6,7,16; 65:14;66:10,11;68:6,		gown (1) 18:6	hard (1) 46:17
few (5) 63:13;73:14;76:24, 25;89:8			grade (2)	Harden (3) 64:5,12,15
figure (2)				H-A-R-D-E-N (1) 64:14
				Hardy (11) 4:3,3,18,23;6:16, 19;7:18;50:21;73:13; 89:9;98:9
				harm (1) 35:2

Harry (2) 90:16;91:12	96:7	indicated (1) 51:17	Israel (2) 90:15;91:1	60:21;84:2;87:9; 93:5;96:17,19
Harten (1) 64:13	home (6) 50:2;56:19,19,21; 68:23;93:11	indicating (3) 31:9,10;69:24	issue (2) 52:14;62:7	knew (12) 49:9;51:21;53:14; 77:8,13,13;80:25; 81:6,9,14;83:18,18
Harvey (1) 91:22	homeless (1) 94:4	individual (1) 15:9	issues (2) 25:10,10	knot (1) 91:2
hate (1) 93:3	honestly (1) 7:24	individuals (1) 90:21	itch (1) 48:24	knowledge (2) 63:8;90:2
Hays (1) 11:7	hood (1) 94:3	infected (1) 16:8	item (1) 11:19	known (4) 77:11;82:20;90:13, 14
head (16) 5:15;31:1;45:2; 47:24;58:12;72:8,10; 73:19;79:19;84:14, 19,21;90:23;93:5,10; 94:22	hospital (15) 23:2,6,9;25:17; 28:14;43:13;56:24; 61:16,21;63:1,20; 70:16;91:13;94:1,15	infection (3) 16:8;23:24;56:3	J	knows (1) 92:12
heal (1) 96:8	hot (9) 33:24;34:5,6,8; 41:10,11;99:15,16,19	inform (3) 32:2,5,22	Jackie (2) 26:20;64:9	L
healed (2) 95:14,15	hours (1) 63:13	informed (3) 31:25;44:2;64:6	Jackson (13) 27:16;28:2,12; 29:10;46:21;47:2; 54:19;55:6;65:13; 68:17;69:18;96:25; 97:4	lack (2) 90:7,9
health (3) 26:15;65:3,11	housed (1) 23:11	initial (3) 57:6;59:19;72:6	job (4) 76:8;79:4,7;84:13	lady (12) 43:8;55:8,9;57:22; 63:4;64:2;67:13,20; 68:2;69:2,20;70:25
heard (2) 69:25;78:8	HST (4) 19:1,2,6;64:6	injuries (1) 96:18	jobs (1) 79:9	Larry (1) 91:22
heart (4) 47:1;51:1,24;65:23	Huh-uh (5) 47:18;57:21;60:16; 71:12;97:14	injury (2) 10:1;96:19	jug (1) 41:9	last (2) 11:17;46:19
help (19) 16:3;17:17,18; 18:20;19:4,11,11; 34:9;40:23;41:14; 53:4,7;55:20,21;64:8, 8;78:24;83:16;92:21	hurt (2) 93:13,14	inmate (1) 41:13	July (31) 22:16;25:23,24; 29:2;30:17;31:25; 33:7,19,22;34:2,3,12; 35:8,12,18;36:2,6; 37:16,24;38:7,12; 41:22,23,24;42:18; 54:23;63:23;86:23; 89:15;90:4,5	late (3) 75:19;76:10;77:16
helped (4) 15:21;34:10;46:20; 68:13	hurting (6) 16:1,4;62:10,16; 71:25;99:10	inmates (3) 90:3,13,14	June (11) 25:22;30:16,17; 54:8,15,16,23;63:23; 72:22,25;86:23	Later (4) 37:3,4;76:19,20
helping (2) 89:21,23	hurts (1) 93:14	inside (1) 43:9	K	Law (3) 4:25;10:13;88:14
heparin (5) 53:8,8,12,18;65:13	I	inspect (2) 91:16,20	Kaopectate (1) 100:17	lawsuit (6) 8:12;9:5;49:21; 50:12;87:24;88:8
heparin's (1) 53:12	ID (1) 6:17	inspection (3) 17:13,14;91:18	keep (4) 61:7;64:24;72:12, 12	lawsuits (2) 9:3,7
Herring (2) 7:11,19	idea (1) 38:17	instance (1) 34:2	kept (12) 16:1,2,3;29:2,4; 57:22,22,23;84:7; 86:10;91:2,4	lay (1) 62:9
hey (2) 80:17;81:4	ignored (2) 27:4,10	instead (1) 31:8	Kidnapping (4) 9:15,18,25;10:3	laying (2) 91:19;97:1
High (3) 7:10,10,12	III (1) 6:16	institution (2) 11:5;42:7	kids (2) 7:2;93:11	learned (1) 53:23
high-max (5) 23:16;29:6,13,20; 47:3	immediately (1) 43:10	instruct (1) 66:18	killed (3) 92:20;93:15,16	least (2) 68:14;82:17
high-maximum (1) 23:17	impact (4) 22:1,4,9;49:7	instructed (1) 17:17	Kimberly (5) 5:2;15:10,11; 41:24;87:4	leave (2) 55:25;84:5
himself (1) 91:16	implants (1) 31:21	instructing (1) 66:18	kind (9) 46:8;47:12;53:23;	led (1) 9:11
history (1) 16:4	inaccurate (1) 33:12	instruction (1) 16:19		Lee (2) 5:3;17:4
hit (1) 46:24	incarcerated (3) 9:8;10:21;12:22	insubordinate (1) 13:6		left (34) 6:6;29:11,11; 30:18;39:19;41:22, 23,23;45:21;48:4,5,6, 12;49:1;54:6,12; 57:11;58:5,9,20; 68:12,14;71:16,23; 72:7,12;86:8,8;91:6; 95:18;96:12;98:10, 22;99:13
hold (2) 78:2,2	include (1) 85:11	insubordination (2) 13:6,13		
holding (1) 37:10	independently (1) 33:15	insulin (2) 20:18;32:13		
hole (1)	indicate (1) 51:8	insurance (1) 8:14		
		interpret (1) 83:14		
		interrupt (1) 57:2		
		into (2) 19:24;37:9		
		involved (6) 8:11;9:2;17:6,22; 26:19,19		

leg (134) 15:22;16:10;17:2; 12,16;18:7,12,21,22; 19:12,22,23;29:12; 17;30:5,13,24;31:15; 32:25;33:2,9;34:7,9; 35:19,22;37:17;38:8; 13;41:6;42:3,12,15; 43:9,11,25,25;44:3; 46:3,6;47:7;48:8,17, 21;49:1,2,3;50:10; 53:3;55:8,21,24; 56:13,13,14,16,20,22, 25;57:11,13;58:5; 59:22;60:3,3,8,11,14, 15,18,19,22;61:5,12, 21,24;62:8,13,25; 63:7,8;68:5,24; 69:22;70:3,5,8,10,21, 22;71:16,16,17,24, 24;72:7,11,16;86:6; 93:1,7,13;94:12,21, 24;95:1,2,19,22;96:1, 2,12,14,16,17;97:1,1, 4,13,21,22;98:10,10, 21,22;99:2,3,6,9,11, 13,13,16,16,19 legs (4) 73:22;74:7;90:13; 96:3 letting (3) 26:9;35:23;92:17 lie (1) 35:4 Lieutenant (4) 46:20,23;47:2,4 life (6) 7:21;9:23;10:8; 22:2,4;49:8 lifted (1) 60:9 liked (1) 83:21 limb (2) 56:4,8 Linda (5) 5:2;16:12,13;43:3; 68:21 listen (1) 33:14 live (2) 7:21;56:1 living (1) 16:5 lockdown (1) 37:10 long (17) 11:25;20:8,20; 21:14;25:20;29:22; 43:12;44:3,10,13,16; 56:15,15;73:8;76:23; 86:16;92:5 longer (9)	11:25;21:19;31:10; 77:23;78:6,24;81:7; 88:6,7 look (24) 6:5;14:2;18:21,22; 19:12,22,23;32:25; 33:2;46:3;53:3; 60:22;73:17;80:1,20; 81:3;93:1,4,9;94:20; 95:1,2;99:2,5 looked (15) 14:3,4,5,7,11;46:5, 10;56:9;60:10;68:24; 70:21;80:19;94:24; 95:1;99:5 looking (4) 33:15;53:4,5;70:11 loop (1) 88:21 lose (1) 90:13 lost (4) 15:22;56:20,22; 94:11 lot (10) 22:6;48:24;61:10; 66:4,25;77:14;87:18; 92:8,8,9 lower (4) 11:3,3;31:6;60:14 lungs (1) 65:24 M ma'am (9) 74:21,23;75:23; 76:11,22;80:16; 81:21;84:16,23 machine (4) 64:16,18,23;69:20 machines (1) 64:4 mainly (1) 53:4 makes (1) 56:2 male (3) 55:16;57:24;59:25 man (11) 49:12;50:8;56:13; 60:25;61:9;78:23; 92:9,24;93:2,13;95:2 management (2) 23:18;42:1 manager (2) 44:19;56:17 managing (1) 88:19 man's (1) 93:13 manually (1) 11:3	many (7) 7:1;12:8;23:10; 24:17;30:7;32:10; 89:15 marks (1) 46:2 married (2) 6:20,22 Mary (4) 54:21;68:21;78:24; 79:16 massive (1) 47:1 Matter (2) 74:14;86:8 may (5) 46:4;51:8,18,21; 71:18 maybe (3) 14:21;28:9;89:18 McDonald (1) 56:17 McDonough (2) 7:12,19 McDowell (1) 44:19 McGovern (9) 4:13;73:7,11,12; 79:21;89:1,6;90:8; 98:6 McGrew (4) 5:3;17:4,6,9 mean (26) 13:12;18:14;19:6; 22:3,3,6;27:8,10; 33:23;35:1;37:4; 41:8;50:8;55:4; 58:20;59:1;65:19; 66:24;68:3;83:1,14; 85:25;88:1,23;94:5, 25 means (1) 6:4 meant (4) 28:22,24;60:20; 88:16 Medical (109) 4:12;10:22;12:6, 24;13:14,17,20; 14:14,24;15:1,16; 16:7,16;17:1,6,22; 19:14,15,25;20:3,23; 21:23;22:1;24:9; 25:25;27:7;29:15,16, 17,18;30:2,4;31:11, 25;33:19;35:18,25; 36:3,9;37:11,13,17, 21,25;38:2,8;41:18, 19;42:12,23;43:17, 20;44:4,8;47:16; 51:8,17;54:18,24; 55:13,14,15;57:5,7; 58:3,4,23;60:20; 61:7;64:21;69:9,10, 11,13,14;71:10,15; 72:4,22;73:2,4;74:11, 14,16;75:15,16,17; 76:9;77:23;78:7; 79:3,12;80:10;81:7, 11,15,22;82:4,7,18, 23,25;85:15;87:20, 20;90:19;92:13; 93:22;94:8 medicated (2) 61:8,9 medication (17) 21:2,8,17,18,20; 24:10;26:13;27:20; 28:2,3;33:20,21; 34:14,15;40:7;53:15; 59:5 medications (9) 8:2;20:14,17,22; 21:4;40:12;44:12; 49:16,19 meeting (1) 67:16 memory (4) 35:1,13;54:5;55:3 mental (1) 7:23 mentality (1) 92:18 mentioned (7) 13:16;53:2;63:16; 64:10;65:16;67:2,10 mentioning (1) 94:19 messed (2) 49:11;99:4 met (1) 73:12 metformin (1) 20:18 Methodius (1) 57:18 Methodius-Rayford (3) 57:17;58:2;59:11 microwave (1) 41:11 Mike (1) 92:23 million (1) 50:15 mind (1) 59:16 minute (3) 22:17;47:21;56:10 misdemeanor (1) 10:15 miss (1) 87:19 missed (1) 26:18 misspellings (1) 6:7	mistake (2) 81:16,21 Mitchell (3) 26:9,20;64:9 mix (1) 72:14 mixed (3) 44:11;58:21;77:6 moment (1) 33:10 monetary (3) 50:1,6,12 money (1) 8:25 Monica (1) 91:22 month (4) 45:23;72:21;86:9; 89:14 months (3) 76:24,25,25 more (9) 16:11;18:3;20:9; 39:18;49:12;67:15; 81:5,13;98:21 morning (5) 14:9;27:12;43:7; 55:2;92:6 most (5) 12:3,4,4;14:6;61:6 mother (1) 9:1 move (10) 32:17;36:18;37:3; 39:20,21,24;58:7,11, 15;72:16 moved (4) 37:1;70:4;92:3,3 moving (1) 40:2 much (4) 8:23;44:1;98:9,21 myself (1) 4:14 N name (10) 4:23;6:15;26:18; 34:21;41:4;57:25; 64:11;73:20;86:14; 87:24 named (3) 50:21;57:17;90:21 names (1) 34:18 nasty (1) 95:3 nature (1) 13:4 nausea (3) 100:1,8,10 need (11)
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5:21;14:23;23:20; 71:7;72:10;73:7; 74:24;80:11;83:10; 84:22;88:23 needed (7) 14:22;33:20,21; 34:13,15;42:2;44:9 needs (3) 64:8,8;72:10 negligence (1) 90:14 negligent (3) 15:18,24;18:18 neighborhood (2) 93:24;94:7 Neurontin (1) 49:20 next (12) 15:9;16:12;17:4, 19;18:8,23;36:5; 43:7;55:1,2,7;69:2 night (11) 18:25;41:5;43:6; 55:1,7;56:17;67:21, 24;68:2;69:1;92:5 Nineties (1) 75:21 ninety (1) 75:6 ninth (2) 7:6,6 nobody (9) 17:18;19:12,12; 68:3;70:1;72:6; 92:12,20,21 nod (1) 72:9 nodding (1) 5:15 Nods (10) 31:1;45:2;47:24; 72:8;79:19;84:14,19, 21;90:23;94:22 none (5) 48:9,10;68:16; 88:25;92:12 Nope (2) 67:9;76:18 normally (1) 11:2 nose (2) 22:25;24:7 notes (3) 15:3;87:3,6 notice (3) 4:8;14:13;98:25 noticeably (1) 98:24 numbness (3) 31:7,8;37:18 nurse (34) 16:14;18:10,13; 26:8,8,8,20,22;34:16;	35:9,9,14,15;41:5; 43:3;64:3,10;66:6; 67:11,18,20;68:1,21, 21;69:5;70:1;71:2; 78:8,12,15;80:4,4; 86:15;92:16 nurses (24) 18:20;26:2,18; 31:18;32:3,3,10,11, 16;34:19,24;35:25; 64:5;66:20;67:3,5; 69:15;70:19,24; 89:20,25;91:6;97:11; 100:8 nurse's (1) 41:4 O oath (2) 8:6,8 Objection (2) 90:7,8 obstruction (1) 10:12 Obuka (4) 26:8,22;67:20;68:1 occur (1) 36:22 odor (1) 56:11 off (44) 21:16;24:14,24; 25:6,6,8,11;28:3; 29:17;30:5,7,11,13, 15,16;31:12;33:6; 34:23;39:15;43:11, 11;45:15;52:3,22,24; 54:6,10;55:24;56:1, 14,16,25;60:4,22; 62:24;65:11;72:20; 78:5;80:2;90:17; 92:1;93:10,13;96:3 offer (1) 17:1 office (1) 69:5 Officer (5) 37:8;55:10,11,12; 70:1 officers (8) 31:11;37:7;39:14; 42:1;46:22;63:9; 68:13;93:24 official (1) 10:13 offset (1) 33:23 often (3) 40:18;41:2;45:17 old (2) 7:3;68:2 older (1)	67:13 once (2) 68:3;99:1 one (42) 8:9,12,14,19;10:4; 18:3;20:12;21:4; 22:24;34:20;37:16; 46:23,25;50:9;56:17; 58:8;59:18,20;61:17; 63:25;64:5,6,9;71:6, 24;77:20;78:12; 80:19;85:7;87:5,21; 90:24;91:8;92:4,24; 95:14,14,15;96:14; 97:2;99:17,18 ones (3) 12:3,4,4 ongoing (1) 49:5 only (11) 18:6;32:8;34:20; 35:15;42:9;60:18; 71:15,17,21;83:1; 99:20 open (3) 60:21;95:4;97:5 opening (1) 97:24 opinion (1) 83:25 opportunity (2) 5:25;6:5 order (3) 70:16;88:3,4 ordered (3) 59:19;68:25,25 orderly (11) 73:21;74:4,19,25; 75:2,3,10,25;76:2; 77:1;84:17 orders (2) 14:21;15:1 others (1) 20:5 out (48) 6:6;8:22;20:13; 21:1;29:6;31:11; 32:11,12,13;36:19; 42:5,8;43:5;49:10; 55:6,9;59:18;61:10; 62:2,15,20;64:3,7,11; 66:2,2,20;69:3,6; 70:13;71:7;75:11; 79:17,23;80:11;86:1, 10,11,12,15,15,17; 88:21;91:6,13,15; 93:19,21 outburst (1) 18:4 outpatient (2) 84:12,24 outside (2) 33:1;56:3	over (39) 6:5;12:12;14:5,6; 15:13;17:14,15; 19:20;27:7;43:7; 48:15;55:19;63:19; 65:1,1;70:4;72:21; 74:1;81:5,12,18;82:7, 9;83:2,3,4,11,12,13, 15;84:11;85:10,12, 13;86:9,13;88:25; 91:5,10 overheard (1) 71:6 overnight (2) 43:14,15 overseeing (1) 88:19 own (2) 97:20;99:9 P packed (1) 55:10 pain (32) 30:24;31:4,15,18; 33:2,9,20,21;34:9,13, 15;35:19;37:18;38:8, 13,13;40:7,12,21,22, 23;42:8;48:20;49:4, 14;59:5;61:6;71:18; 93:15;98:23;99:14, 19 painful (1) 40:17 papers (1) 44:14 part (5) 31:6;60:15;75:14; 88:2,16 particular (2) 19:21;35:8 parts (1) 85:2 pass (2) 31:8;99:21 passed (1) 56:21 passing (1) 100:12 past (1) 75:16 pen (2) 70:9,21 pencil (1) 70:9 pending (1) 5:23 people (23) 17:11;29:6;35:23; 49:9;52:24;53:3; 62:11;66:25;87:19; 88:18;90:18;92:9,11,	12,17,22,24;93:25; 94:4,4,4,20;96:20 people's (1) 45:16 Pepto-Bismol (1) 100:18 percent (1) 99:1 Percocet (8) 33:24;34:5,6,8; 40:10,18,20;89:13 Percocets (1) 89:21 performed (2) 22:21,23 period (6) 11:22,23;45:18; 63:19,23;86:22 persisting (1) 35:19 person (10) 32:8;35:3;58:2; 71:3;87:14,15,18; 92:11;93:3,5 personnel (1) 80:10 pertain (1) 73:15 Peter (2) 4:12;50:18 PETERS (14) 4:2,22,24;6:11; 22:20;29:8;31:4; 44:21,24;47:14,21; 50:11,16;54:2 phantom (1) 49:4 Philbin (1) 91:23 phone (4) 44:20;56:18;68:22, 23 physical (3) 7:23;48:18;93:15 pick (2) 31:12;68:13 picture (1) 70:23 pictures (2) 93:6,6 piece (1) 23:25 Piedmont (2) 56:24;94:15 pills (1) 32:14 Pitts (1) 76:2 place (1) 12:25 places (1) 56:11 plaintiff (2)
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8:17,18 plastic (1) 41:9 Plavix (55) 20:24,25;24:9,11, 15,18,24;25:6,7,9,11; 26:1,10,16,17;27:2,9, 15,17;28:3,8,10,11, 18,20;29:2,4,9,22; 30:7,15,17;31:20; 52:3,7,9,15,17,22,25; 53:5,7,14,15;54:6,10, 17,22;65:7,12;72:21, 25;73:1,3;78:5 played (1) 70:1 Please (7) 4:14;5:13,19,23; 6:14;22:18;51:11 pm] (1) 100:22 point (8) 47:6;54:5;68:7; 77:4;79:5,18,23;81:6 pointing (2) 95:9,12 poker (1) 48:25 policies (1) 88:20 P-O-O-M-I-P-A-N-I-T (1) 51:12 Poommipanit (3) 50:22;51:10;52:2 Possession (2) 11:15,19 pounds (1) 49:11 pour (1) 94:4 preparation (4) 13:24;14:8,10,15 prepared (1) 15:4 prescription (1) 27:2 present (1) 4:12 press (4) 33:25;34:5,7,8 pressure (12) 20:6;21:14,15,17, 18,23;27:13;48:7; 65:17,20,21;66:1 pretty (3) 61:8;66:25;71:24 previous (1) 34:1 Price (2) 90:17;91:25 primary (2) 65:2,11 prior (1)	53:20 Prison (23) 4:12;8:13;9:12; 10:22;11:7;13:17,17, 18,21;15:16;16:16; 23:13,14;36:19; 46:21;54:7;55:18; 62:11;63:11,14,22; 73:2;100:3 prisons (2) 13:19;93:25 Probably (11) 20:9;24:19;27:19; 34:16;59:2;68:1; 85:15;89:17,17; 98:25;100:2 problem (2) 15:20;25:1 problems (2) 7:24;21:15 Procedure (1) 4:11 profession (1) 92:16 progressed (2) 16:7;98:20 prohibited (1) 11:19 pronounce (1) 55:12 provided (5) 40:7,9,18,24;41:2 provider (2) 65:3,11 provoke (1) 38:18 pulled (1) 52:25 pulse (1) 65:22 pulses (5) 58:19,25;66:11; 67:5;69:16 purple (1) 98:12 purposes (2) 4:8,9 pursuant (1) 4:8 pursue (2) 88:8,22 pushing (1) 91:4 put (30) 18:4;37:9;41:6,10; 43:5;47:5;48:7; 55:17;58:4;62:15,20; 63:2,3;65:25;66:1; 68:8;69:21,21;70:3, 20,20;72:7,11,15; 91:9,14;97:14,16,20, 23	Q quick (1) 63:25 quickly (1) 78:3 R ran (1) 70:21 rather (5) 5:14;49:22;68:8; 87:19,20 Rayford (3) 57:19,19;59:11 reach (2) 79:17,23 read (2) 6:2,8 real (5) 31:7;40:17;67:14; 77:7;95:3 really (5) 21:3;22:9;59:3; 71:25;73:14 reason (2) 21:12;51:20 recall (28) 22:21;26:3;32:9; 33:4,8,15;34:18,21; 35:7,19;36:14;37:18, 21;38:1,4,9,14;41:18; 42:11,14;43:24;44:2; 46:5;51:17;66:13; 89:24;90:22;100:14 recalling (1) 34:4 receive (2) 43:19;48:16 received (15) 11:9,11,14;12:5,8, 23;13:3,10,19,21; 33:16;54:22;80:3; 89:14,16 receiving (2) 33:8;49:13 recent (2) 12:3,4 recently (3) 52:23;90:15,17 records (6) 14:14,24;15:1; 51:8,17;58:3 recover (1) 88:17 recovery (1) 63:12 RECROSS-EXAMINATION (1) 94:17 Redd (1) 91:22	REDIRECT (1) 98:7 regardless (1) 93:2 Regents (1) 5:1 regular (2) 26:10;67:25 regulated (1) 21:19 relate (1) 52:16 related (2) 20:6;96:9 relation (1) 86:5 remember (60) 13:1;24:6;26:25; 33:17;34:21;35:14, 16,21;36:2,6,14,23, 24,24,25;38:20; 39:11;41:4;44:14; 45:9,10;50:21;51:2,7, 9,13,15;52:4;54:3; 57:6,10,16,21,24; 58:18;59:3,9,12,24; 60:13,14;61:1,3,3,4, 12,17,20;62:1,3,4,13; 65:20;67:5,18;68:18; 69:15;77:20;78:21, 22 removal (1) 40:16 remove (4) 22:14;24:2,3;30:19 repeat (1) 5:11 rephrase (1) 46:15 report (3) 12:6;13:4,5 reporter (4) 5:15;6:2;8:7;72:10 reporter] (1) 4:16 reports (10) 11:9,13,18,21,24; 12:14,23;13:11,19,22 represent (2) 4:25;73:13 reserve (1) 6:8 respond (3) 7:25;34:22,25 response (1) 100:15 restart (1) 53:5 restroom (1) 44:22 result (2) 8:21;15:22 results (1)	69:12 return (1) 6:1 review (3) 5:25;11:3;13:25 reviewed (1) 14:14 rewrap (1) 19:8 right (108) 6:8;11:16;16:5; 24:8;25:16;28:15; 30:8,21,25;34:2; 35:8;40:25;42:24; 45:1;48:17,21;49:2,3, 6;51:14,23;53:17; 54:1,13,22;55:12; 57:13,16;58:21,22; 59:13,14;60:5,14; 61:1,18;62:13,23; 63:16;64:11,19;65:4; 66:9,23;67:2,23; 69:11;70:7,14,18; 71:1,3,9,14,16,17,24; 72:7,11,15,19;73:5, 21;75:9,11;76:7,10, 16;77:4;80:5,6;81:8, 10,10,10;83:3,9;84:5, 10,18;85:5,15;90:11, 24;91:14;93:12; 94:12,13;95:5,19,21; 96:14,16,17;97:8,11, 23;98:4,9,21;99:6,9, 13,16,17,18;100:7,20 rights (3) 17:10;18:1,17 RN (1) 86:15 roam (1) 32:21 robbery (3) 9:13,16;10:3 Robert (2) 90:17;91:25 room (13) 27:12;33:1;37:9; 44:20;55:17;56:18; 57:23;63:3,10,10,12; 84:6;100:13 rot (1) 93:13 rotate (1) 32:17 rounded (1) 87:2 rounding (2) 85:8;87:6 rubbed (3) 69:22,23;70:10 Rules (1) 4:10 Running (2) 10:8,17
---	---	---	--	--

ruptured (1) 91:11	70:16;90:19	similar (2) 90:3;95:21	22:25	28:13
S	sent (13) 6:12;29:14,16,18; 42:21;43:10;51:24; 55:8;63:11,20;69:13; 71:10;91:10	sister (1) 94:13	specific (3) 36:2;37:19;41:18	stay (2) 30:2;61:7
salivary (17) 22:14;23:21;24:4; 27:24;28:10;29:12; 30:20;38:24;40:16; 47:15;61:14,22; 62:15;63:21;65:1; 78:20;100:4	sentence (5) 9:12;10:5,8,16,18	sit (3) 12:20,20;35:3	specifically (10) 14:2;15:23;16:24; 18:16;22:15;32:5,9; 36:1,10;59:12	stayed (3) 29:17;63:10;69:1
same (18) 5:21;8:9;9:8;16:5; 15:21;12:44;5,6,18; 56:21,25;65:1;71:9; 12,13;92:17,19;100:2	sentences (1) 9:21	Sitting (2) 82:22;97:3	specifics (6) 19:24;35:7,20; 38:1,9,14	stays (1) 32:20
Saturday (1) 19:20	separate (1) 10:2	situation (4) 33:3;43:5;52:11; 60:8	spell (1) 51:11	stenographer (1) 4:14
save (2) 44:1;92:10	Sergeant (2) 37:7;55:17	six (2) 12:10,13	spent (1) 55:1	stent (1) 60:19
saved (1) 89:6	serious (1) 12:4	skin (1) 96:1	spoke (9) 10:3;26:2;28:1; 33:7;41:16;63:5,5; 64:4;85:19	stents (2) 31:21;71:20
saw (21) 16:22,22;17:2,15, 15;18:12;27:6;37:25; 43:9,9,9;58:3;64:16, 18;70:12,15;80:17, 22;86:22,25;91:24	set (1) 84:18	slice (1) 60:21	spread (1) 16:9	step-mom (1) 94:12
saying (20) 5:19;12:17;16:20; 19:4;28:17;33:4; 38:18;41:6;45:24; 47:25;52:9;59:10; 66:8,14;68:4;72:12; 77:10;81:18;86:11; 92:12	settled (1) 8:22	slide (1) 97:15	squirted (1) 70:8	stethoscope (1) 65:23
school (4) 7:5,10,11,12	settlement (2) 8:22,23	slim (1) 73:18	staff (20) 12:6,24;13:6,14, 20;24:9;25:25;31:25; 33:19;34:13;35:19; 37:17;38:1,9;41:18, 20;42:12,24;44:18; 75:14	still (12) 27:7,14;28:9,11; 37:7;39:21;46:17; 47:2,9;81:18,22;88:7
schools (1) 7:9	seven (2) 24:20,21	smart (1) 87:16	stairs (1) 37:9	stomach (1) 91:2
Scott (2) 90:16;91:12	several (6) 26:2;32:3;37:16; 53:2;68:12;94:19	smell (2) 97:1,4	Stan (4) 5:3;17:19,19;36:18	stood (3) 32:25;33:1;42:4
scream (1) 18:3	sewing (5) 64:4,16,17,23,24	somebody (13) 18:20;19:4,11,11; 53:4;66:21;77:7,18; 80:17;85:13,13; 92:18;94:6	stand (9) 39:3;46:18;47:9; 48:7,12,13,13;57:11; 92:15	stop (4) 24:18;49:12;77:24; 99:10
screen (1) 70:23	Shakes (1) 58:12	someone (2) 78:5;79:2	standing (1) 41:25	stopped (10) 35:23,24,24;39:12, 13,18;52:7;64:22; 68:6;69:25
searing-hot (1) 48:25	shaking (1) 5:14	sometimes (7) 22:8,11,11,12;67:3, 23,24	staples (5) 86:8,12,12,13,17	stopping (1) 52:17
seat (1) 97:2	shape (2) 16:22;18:12	somewhere (2) 61:16;91:7	start (11) 28:7,20;29:1,8,21; 31:14;40:2;45:15; 57:25;86:12;100:1	street (4) 20:12;47:3,4;94:4
secluded (2) 36:18;37:1	Shepard (7) 5:3;17:19,20,22, 25;36:18;37:6	sore (2) 96:5,6	started (13) 15:20;30:4,24; 31:16;39:14;46:4; 56:11;74:6;76:9; 86:13;91:8;98:22; 99:1	strike (2) 81:14;92:15
second (3) 14:4;57:2;61:15	shift (7) 67:11,21,21,22,24, 24;68:2	sores (3) 95:4,18,21	statement (1) 33:13	strong (1) 51:24
security (8) 10:23,25;11:3,6,8, 10,12;17:5	Shonte (3) 5:3;18:8,9	sorry (12) 26:18;45:3;54:11, 13,16;56:25;57:13; 58:20;72:9;74:3; 79:1;96:14	States (1) 4:5	Stroud (1) 55:17
seeing (3) 32:19;51:7;77:9	short (3) 57:21;59:25;67:14	sound (2) 35:3;74:22	State (14) 4:12;6:14;8:15,16; 10:22;11:7;13:17,17; 15:16;16:16;42:17; 55:18,18;73:2	stuff (36) 11:20;14:21;19:8; 20:11;26:11;27:13; 33:3;35:5;38:16; 39:16;43:3,4;44:12; 45:8;51:1;52:11; 53:1;55:10;57:9; 59:21;62:3,10;69:21; 74:7;75:18;76:14; 77:10,17;79:25;84:8; 85:25;86:1;91:18; 92:8,25;95:7
seek (1) 49:21	shot (3) 56:2,5;62:15	sounded (1) 82:17	stating (1) 15:10	sued (2) 8:14;81:15
send (2)	show (2) 19:2;95:7	Sounds (1) 76:8	stating (1) 15:10	suing (6) 8:19;15:17;16:18, 21;18:11;19:18
	shows (2) 56:3,6	Southern (1) 4:6		Sunderland (1) 37:8
	sick (1) 25:7	Spalding (2) 7:10,11		suppose (1) 92:19
	side (5) 58:16,16;62:9; 72:17,17	speak (3) 22:17;26:5;80:12		
	sign (5) 6:1,2,9;44:15;60:2	speaking (1) 77:22		
	signed (1) 60:11	special (2) 23:18;41:25		
		specialist (1)		

supposed (2) 40:23;86:10 sure (17) 6:5;19:7;51:24; 52:18;59:1,10;60:23; 61:5,13;62:16;64:1; 76:8,12;88:13,15,15, 15 surgeon (2) 57:17,20 surgeries (2) 52:25;53:21 surgery (59) 22:14,15,21,23; 23:7,20;24:3,6,10,15, 17,24;25:2,4,16,19, 21,24;26:1;27:1,21, 23,24;28:8,10,14,25; 29:5,9,12,22;30:19; 31:21;38:24;39:17; 40:14;44:15;47:15; 51:22,25;52:17,17; 60:2,13,14,18;61:15, 22;62:16,24;63:13, 21;71:19;74:13;78:5, 18,19,21;100:5 swear (1) 4:15 swelled (1) 16:2 swelling (2) 96:21;97:10 swollen (3) 98:21,24;99:4 sworn (3) 4:16,19;92:14 symptoms (3) 32:1,23;98:11	task (1) 32:16 Technical (1) 51:5 telling (10) 12:2;16:1;26:16; 35:4;42:1;54:2;69:5, 25;78:22;80:1 temperature (1) 99:12 ten (2) 20:9;50:9 tend (1) 68:7 tendon (2) 95:9,13 term (1) 51:5 terms (1) 53:6 test (2) 59:2;70:20 tested (1) 20:12 Testifies (1) 4:20 testify (1) 35:15 testing (1) 59:19 tests (1) 42:12 Thanks (1) 98:5 that'll (2) 6:13;35:2 therapy (1) 48:19 therefore (1) 31:22 thinking (1) 32:12 thinner (3) 21:10,11;53:9 thinners (1) 24:13 thinning (1) 21:1 thirty (1) 7:4 though (5) 8:7;39:20;59:10; 92:21;100:10 thought (6) 19:20;27:7;53:7; 56:19;81:17,22 threatened (1) 36:18 throat (2) 22:25;24:7 thrombosis (1) 53:19 throughout (2)	27:4;45:14 throwing (4) 91:3,9;99:20,20 tier (1) 23:17 Tim (2) 27:6;73:20 timeline (1) 72:20 times (11) 23:10;31:13;39:16; 53:2;66:5;68:13; 85:19;89:15,18,19; 94:19 Timothy (1) 19:13 tingling (1) 31:7 tip (1) 98:13 tire (1) 46:24 today (11) 7:25;8:8;13:25; 14:9,9,17,25;72:20; 82:18,22;89:2 toe (1) 68:7 toenail (1) 98:13 toes (1) 48:24 together (1) 92:2 toilet (3) 90:17;92:1,1 told (48) 18:3;25:9;28:2,4; 31:19;32:4;37:19; 39:12;42:6,9;43:22, 25;44:14,17;52:10, 10,12,18;55:19,23; 56:18,19;60:1,7;62:6, 7,18;65:10;68:24; 71:20;72:19;77:18, 22;78:6;79:2;80:18; 81:7,10,12,25;82:4,6, 10;83:1;89:4,22; 100:10,14 took (20) 25:5,5,8;43:4; 45:17;55:10,13,14; 56:23;60:11;65:11; 69:9,21,22;70:6,8; 86:14,15,15;96:3 tooth (1) 52:25 top (2) 69:17;73:19 total (2) 30:8,14 touch (5) 58:23,24;66:11;	99:6,9 touched (3) 70:2;71:2;99:11 touching (1) 58:19 toward (1) 96:23 towards (2) 13:6,20 transcript (4) 5:25;6:1,3,12 transferred (10) 23:1,6;25:14; 42:17,18,20;43:13, 16;47:16;98:17 tray (1) 97:24 treated (1) 42:10 treating (3) 85:7;87:6;88:20 treatment (13) 17:1,7,23;33:8,16; 38:4;43:19;48:16; 49:13;53:6;85:2; 86:6;92:13 tremotol (1) 21:5 Trental (2) 20:24;21:6 trententol (1) 21:6 T-R-E-N-T-O-Y-L (1) 21:6 trial (1) 4:9 tried (1) 99:10 trouble (6) 39:8;40:2;71:15; 74:7;76:17,18 truth (1) 8:3 truthful (2) 36:14;45:9 try (3) 5:10;17:11;92:15 trying (10) 16:2;27:5;44:1; 51:16;54:2;59:17,18; 62:2;73:25;88:17 tumor (1) 91:11 turn (2) 93:4,10 turned (3) 16:2,8,8 Twenty (1) 50:15 Twenty-eight (1) 7:4 twice (2) 68:1,3	two (13) 7:2,9;13:1;26:24; 36:7;46:22;48:5,11; 68:14;73:22;74:7; 86:25;90:14 two-thousand (1) 74:10 Tylenol (1) 40:13 types (1) 13:11
U				
	ugly (3) 92:25;94:25;95:3 under (2) 4:10;16:19 undergo (1) 90:3 understood (4) 5:13;25:3;54:1; 82:17 unfactual (1) 33:13 unit (26) 15:13;16:5,15; 18:4,10,14;19:19; 23:16,18;26:11,14; 29:20;31:11;32:12, 15,18,19,20;42:1; 44:19;45:14;56:17; 64:21;73:21;74:5; 76:19 United (1) 4:5 units (1) 32:11 unless (2) 11:25;66:17 unprofessional (1) 86:2 up (57) 16:2;28:21;31:12; 35:22;37:8;39:15; 44:11,16;46:18;47:6, 9;48:11,12,13;49:11; 55:19;56:4,7,15; 57:11;58:7,15,21; 62:8,23;63:3,4;65:3, 10;68:13;69:23; 70:10,22,23;72:14, 16;73:21,21;74:5; 75:12,15;77:6;78:2; 80:19;84:9,18;91:3,9, 15;92:4;95:15,15; 96:8;98:14;99:4,20, 20 Upon (1) 42:25 upset (1) 66:25 upstairs (1)			

37:9 use (7) 4:9;44:22;48:8,9,9; 65:23;83:6 used (4) 19:14,15;53:13; 73:20 useful (1) 68:6 usual (1) 34:23 usually (1) 29:6	39:6,13,13,21;46:13, 14,16,17;47:7,10,17, 22;48:1,6;66:20; 91:14,17,17 walked (2) 34:23;84:7 walking (5) 31:9;39:8;49:12; 84:8,8 wall (1) 18:5 ward (2) 44:25;91:17 Warden (7) 17:5,21;37:6;88:4; 91:22,22,23 warm (11) 40:24;41:2,7,8,14; 67:12,19;89:14; 97:12,20,23 Washington (1) 6:16 watch (5) 22:6;91:25;92:23, 23,24 watched (6) 46:22,23;47:4; 91:24;93:12;99:21 water (2) 41:10;64:17 waxing (2) 75:18;76:14 way (9) 54:8;63:21;74:15; 75:12,15,16;94:10; 99:4,4 ways (1) 22:6 weapon (1) 11:15 week (3) 25:6;54:10;78:17 weekday (2) 77:21;78:16 weighed (1) 49:11 weight (6) 57:11,14;58:4; 72:7,11,15 Wells (3) 5:3;18:8,9 weren't (2) 76:17;89:21 West (4) 5:4;18:23,24,25 whatchacallit (1) 66:1 What's (3) 50:14;75:13;86:14 whatsoever (1) 96:18 wheelchair (5) 42:2;92:4,6;96:2,3	whole (8) 7:21;15:22;27:5; 45:14;46:18;63:23; 67:8;91:19 Wilson (18) 4:13;6:4,13;22:19; 31:2;47:12,19;49:24; 50:4;51:10;73:9; 79:20;89:8,12;90:11; 94:16;98:8;100:20 window (5) 64:21;78:22;80:20, 23;97:3 wing (1) 52:10 witness (11) 4:15;9:5;28:24; 31:3;47:20;50:1,5; 51:13;89:3,7,10 woke (3) 44:16;55:19;62:23 wondering (2) 52:21;61:23 word (3) 94:10,10,11 wording (1) 78:11 words (2) 82:7,12 wore (1) 62:24 work (4) 39:18;65:3;73:20, 23 worked (6) 15:13;18:10;46:1; 49:10;74:5;76:1 working (1) 83:21 worry (3) 25:1,9;28:4 worse (7) 56:9,10;80:2; 93:14;96:6,6,24 wound (2) 48:18;97:6 write (1) 5:15 written (1) 15:5 wrong (7) 43:22,23;46:9; 55:4;64:8;74:17;99:3 wrote (2) 25:7;85:20	y'all (6) 14:23;26:10;93:6; 94:2,3,8 year (2) 11:17;76:24 years (14) 10:17;12:12;17:15; 20:9;21:20;26:14; 50:9;73:24,24;74:6, 9;77:11,12;82:21 yelling (1) 36:20 Yep (4) 50:23;53:25;70:17; 98:3 Young (33) 19:13,18,19;27:6; 73:13,17;74:14;77:5, 7,13,19;78:6;80:3,4, 8,11,20,22,25;81:3, 17;82:20;83:8,18; 85:6,18;87:5,8,10,15, 24;88:8;89:5 Yup (1) 71:8	1999 (1) 77:3 2 20 (6) 10:7,7,7;12:21; 17:15;99:1 2000 (3) 74:16;77:2,3 2000s (7) 74:20,25;75:5,20; 77:14,15,16 2001 (1) 74:16 2007 (1) 20:21 2010 (1) 74:12 2012 (1) 74:12 2014 (1) 74:12 2015 (20) 22:15;31:25;33:19; 34:13;35:18;36:2; 37:16,24;38:7,12; 51:9;74:13;78:4; 81:23;82:24;84:13; 86:23;89:15;90:4,5 212 (1) 37:9 22nd (1) 63:23 237 (1) 49:11 23rd (3) 29:3;30:17;42:19 24 (1) 54:23 24th (8) 25:22;41:23,23,24; 42:18,19;54:8;63:23 2A (9) 15:13;16:14;35:22; 75:1;78:21;80:22; 83:4;84:25;88:19 2nd (4) 31:25;33:8;34:2,3 3 3 (1) 23:17 3A (6) 75:2,3;76:3;77:1; 84:25;88:19 3rd (1) 63:24 5 542758 (1)
V				
van (3) 46:20;47:5;97:1 vascular (6) 50:25;57:17,20; 86:11,11,16 vein (1) 53:19 verbal (2) 70:16;84:22 verbally (1) 64:6 verify (2) 39:15;94:13 view (1) 12:18 vile (1) 23:24 violated (3) 17:10;18:1,17 visually (1) 18:5 vitals (8) 43:3,4;45:7,13,16, 18;65:19;67:3 voiced (5) 36:5,7;41:17,19; 42:8 Volkswagen (1) 73:18 vomiting (1) 100:15 vs (1) 4:3				
W				
wait (8) 5:19;27:16;47:21; 78:9,9,9;82:2,2 waited (1) 42:5 wake (2) 63:3,4 waking (1) 56:14 walk (21) 17:13;33:6;38:22;		X X-rays (1) 39:16 Y	1:00 (1) 63:10 1:17CV172 (1) 4:5 1:38 (1) 100:22 10 (1) 12:21 12A (1) 37:8 12-month (2) 11:22,23 12-months (1) 11:24 12th (2) 35:18;36:2 13 (1) 36:6 14 (2) 36:6;92:2 14A-1 (1) 92:3 14A-3 (1) 92:3 16 (1) 54:23 16th (6) 30:17;37:16;54:15, 16;72:22,25 17 (1) 37:24 18 (1) 38:7 19 (1) 38:12	

6:18 586 (1) 92:24				
6				
6A (2) 18:5;91:5 6th (4) 22:16;25:23,24; 29:3				
8				
85 (1) 46:24				
9				
90s (3) 75:19,22;76:10 99 (6) 74:16;75:6,8,11; 77:2,3 9th (5) 33:19,22;34:12; 35:8,12				



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June 2, 2020

Mr. Peter F. Fisher, Esq.
GEORGIA DEPARTMENT OF LAW
40 Capitol Square S.W.
Atlanta, GA 30334

In Re: George Washington Hardy
George W. Hardy vs. Georgia Department of Corrections, et al.
Case Number: 1:17-cv-00172-JRH-BKE
Date: 03/09/2020

Date of Job: 03/09/2020

Dear Mr. Fisher:

Enclosed is the sealed deposition transcript taken in the above-referenced matter.

The transcript is filed unsigned. Thirty (30) days have elapsed since notice was sent regarding the opportunity to read and sign.

Respectfully,

A handwritten signature in blue ink, appearing to read "Kimberly Carter", is written over a light blue circular stamp.

Production Department

cc: Edwin Wilson, Esq.
Annarita L. McGovern, Esq.